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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1878.

Published by Authority.

LAHORE

CENTRAL JAIL PRESS

1879.

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Proceedings of the Honorable the Lieutenant-Governor, Punjab, in the Home Department,—No. 3815 dated 22nd October 1879.

No. 1620.

FROM

T. O. WILKINSON, ESQUIRE,
Officiating Registrar Chief Court, Punjab.

To

LEPEL H. GRIFFIN, ESQUIRE,
Secretary to Government, Punjab.

Dated Lahore, the 17th June 1879.

SIR,

I am directed by the Judges of the Chief Court to submit the prescribed Statements and Report on the Administration of Civil Justice in the Punjab during the year 1878.

Dates of receipt of Divisional reports.

2. The Divisional reports were received in this office on the dates noted below :—

Hissar, 7th March.	Rawalpindi, 4th April.
Umballa, 17th March.	Amritsar, 16th April.
Deraját, 17th March.	Mooltan, 16th April.
Delhi, 4th April.	Jullundur, 25th April.
Lahore, 4th April.	Peshawar, 5th May.

The last amended return was received back on the 7th June.

Arrangement of report.

3. The report notices the usual subjects in the following order :—

Part I.—Original Courts.
- A. Institution of suits.
- B. Disposal of original suits.
- C. Miscellaneous suits.
- D. Classification of suits.
- E. Value and cost of suits.
- F Agency for disposing of suits.
- G Execution of decrees.
- H. Witnesses.

Part II.—Small Cause Courts.

Part III.—Appellate Courts.
- A. District Courts.
- B. Commissioners' Courts.
- C. Chief Court.

Part IV.—Procedure.

PART I.—ORIGINAL COURTS.

A.—INSTITUTION OF SUITS.

Original institutions during the year.

4. The total number of original suits instituted in the Civil Courts of the Province during 1878 amounted to 246,245, as compared with 235,336 in the preceding year ;—an increase of 10,909 cases, or 4·4 per cent.

Fluctuations in the different classes of Courts.

5. The following table shows the fluctuations in the different classes of Courts during the past seven years :—

Class of Court.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
Chief Court	16	9	17	15	16	14	2
District Courts	177,250	184,688	189,250	193,725	217,244	215,379	223,075
District Small Cause Courts ...	34,276	30,964	34,931	30,058	14,925	12,478	14,515
Cantonment Small Cause Courts	6,430	6,203	6,431	6,809	7,611	7,465	8,653
Total ...	217,972	221,864	230,649	230,607	239,796	235,336	246,245

6 A difficulty arises in comparing the details of this table, owing to the many changes which have recently taken place in the constitution of Small Cause Courts. Taking the totals, however, it will be seen that the check in Civil litigation which occurred during the year 1877, did not continue during the year under report, the returns of which show the usual increase in original institutions.

General increase in original Civil litigation.

7. The returns of 17 Districts show an increase in original suits, the increase being most marked in the following:—

Districts showing an increase.

Umballa	...	...	...	...	32·9	per cent.
Mooltan	...	...	...	...	27·1	„ „
Rohtak	...	...	...	...	24·1	„ „
Kohát	...	...	...	...	23·4	„ „
Karnál	...	...	...	...	22·6	„ „
Jhelum	...	...	...	...	18·6	„ „
Gurdáspur	...	...	...	...	18·1	„ „

In the Kohát District, the increase is merely nominal as compared with the preceding year. Almost exactly the same number of regular suits was instituted during the year under report as in 1876.

The increase in the Jhelum District is said to have occurred principally in the head-quarters tahsíl. The town of Jhelum has, it is explained, grown greatly in importance since it became the terminus of the open portion of the Punjab Northern State Railway, and the basis of operations for the portion of the line under construction. No special causes seem assignable for the large increases in the remaining 5 Districts.

Decrease in certain Districts.

8. Only three Districts show any considerable decrease in original litigation, *viz.*:—

Shahpur	...	...	...	...	15·1	per cent.
Montgomery	...	...	...	...	11·9	„ „
Peshávar	...	...	...	...	10 9	„ „

The Peshávar District was subject to many disturbing influences during the year, which may very well account for the falling off in Civil suits in that District. The reason for the decrease in the Shahpur and Montgomery Districts is not so apparent, and the District Officers fail to give any satisfactory explanation.

The Civil litigation of 1877, in the Montgomery District, showed a decline of 18·7 per cent. on the District total of cases in 1876.

B.—Disposal of Suits.

9. Imperial Return No. 8 in the Appendix to this report shows the general result of original suits in the Province.

10. The total number of cases for disposal during the year, including 11,606 pending from 1877, 7,679 re-admitted cases and 61 received by transfer, amounted to 265,591, or 3·8 per cent. in excess of the previous year's numbers.

Suits for disposal.

11. Out of the total number of suits for disposal, 250,861, or 94 5 per cent. were disposed of during the year, and 14,730, or 5·5 per cent. were pending at its close.

Suits disposed of.

These percentages are not quite so favorable as in the previous year, when disposals amounted to 95·5 per cent. of the total number for disposal, but in comparing these figures, the increase of business must be taken into consideration. The actual out-turn of work during 1878 was in excess of that of the previous year, the figures being 250,861 against 243,982.

12. The cases were disposed of as follows:—

Details of disposal.

28 per cent. were disposed of without decree;

39 per cent. were disposed of with decree, but without contest;

24 per cent. were disposed of, after contest, by a decree, wholly or partially, in favor of the Plaintiff.

9 per cent. were disposed of, after contest, by a decree in favor of the Defendant.

It will be seen from the above, that 33 per cent. only of the total number of cases disposed of during the year were contested. The steady decrease in the percentage of contested

cases during the past four years is noteworthy. The figures are given below :—

1875	1876	1877	1878
36	35	34	33

In the year under report, the percentage was lowest in the Districts of the Delhi Division, and in the Hissar, Hoshiárpur, Siálkot, Gujrát, Shahpur, Mooltan, Jhang, Muzaffargarh and Dera Ismail Khan Districts, in all of which it was under 30. On the other hand, in the Pesháwar District, 49 per per cent. of the disposed-of cases were contested, and the percentage is also high, in the Sirsa (42), Ráwalpindi (42), Bannu (41), Simla (40), Kangra (39), Hazára (39) and Ludhiána (38) Districts.

Further details.

13. The following comparative statement gives further details of disposal for each District of the Province during the years 1877 and 1878 :—

1	2	3	4	5	6	7	8	9	10	11	12	13
		Percentage of cases.									Average duration.	
DISTRICT.	Year.	Dismissed on default.	Withdrawn with leave, Section 373 Act X of 1877.	Decided *ex parte*.	Decided by confession.	By compromise, including adjustment under Sec. 375 of Act X of 1877.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Delhi ...	1877	11	·4	9	23	27	1·6	19	9	68	24	14
	1878	9	·6	8	27	26	1·0	20	9	70	27	14
Gurgaon ...	1877	13	·2	6	27	27	1·3	17	8	67	41	16
	1878	11	·2	9	28	30	1·0	16	6	74	22	17
Karnál ...	1877	18	·6	6	18	32	3·9	17	8	67	29	16
	1878	19	·3	7	21	28	3·4	18	6	74	27	15
Hissar ...	1877	8	1·4	8	26	33	2·1	16	8	67	24	12
	1878	9	2·8	10	28	29	1·7	15	6	71	28	15
Rohtak ...	1877	8	·9	6	18	31	1·2	26	10	71	27	15
	1878	7	1·0	7	26	28	·8	23	8	75	31	17
Sirsa ...	1877	11	1·3	8	16	22	3·3	28	14	67	26	18
	1878	11	2·8	10	16	18	2·7	23	19	55	26	17
Umballa ...	1877	14	1·9	9	17	24	1·4	24	10	69	24	14
	1878	12	·7	11	18	28	1·4	22	8	72	21	13
Ludhiána ...	1877	10	1·2	5	20	26	1·1	24	14	63	21	14
	1878	12	1·2	4	16	29	1·1	23	15	61	21	15
Simla ...	1877	11	1·9	20	21	10	1·6	28	9	75	15	17
	1878	8	3·0	19	17	13	1·2	32	8	80	16	16
Jullundur ...	1877	16	1·0	9	14	27	1·5	24	9	73	37	20
	1878	16	1·1	9	15	28	·9	23	8	75	35	21
Hoshiárpur ...	1877	19	·3	8	26	15	·5	24	8	75	36	25
	1878	20	·1	9	28	16	·5	19	7	73	30	22
Kángra ...	1877	15	1·5	7	27	9	1·5	28	12	71	25	15
	1878	13	·6	9	24	14	1·6	28	11	72	24	16
Amritsar ...	1877	16	·6	8	24	15	1·2	27	9	73	34	16
	1878	17	·8	9	19	18	·9	27	9	76	37	21
Gurdáspur ...	1877	20	·2	8	10	21	1·8	32	8	80	26	18
	1878	18	·2	9	12	24	1·8	29	7	82	30	24
Siálkot ...	1877	24	·7	10	19	17	1·9	23	6	79	21	13
	1878	24	·2	10	23	15	1·5	22	5	80	26	18
Lahore ...	1877	17	1·0	9	14	22	1·4	26	11	71	19	16
	1878	16	·5	12	18	24	·9	25	9	72	19	15
Gujránwála ...	1877	16	·4	8	25	18	1·9	23	10	71	24	17
	1878	15	·5	9	25	17	3·0	25	8	75	26	15
Ferozepore ...	1877	19	2·1	7	29	12	2·0	21	10	68	22	20
	1878	19	3·7	7	26	14	2·0	19	11	64	23	12

1	2	3	4	5	6	7	8	9	10	11	12	13
DISTRICT.	Year.	PERCENTAGE OF CASES.									AVERAGE DURATION.	
		Dismissed on default.	Withdrawn with leave, Section 373 Act X of 1877.	Decided *ex parte*.	Decided by confession.	By compromise, including adjustment under Sec. 375 of Act X of 1877.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Rawalpindi ...	1877	14	1·2	8	14	15	3·4	36	12	75	27	19
	1878	16	·8	11	15	15	2·8	32	10	75	28	19
Jhelum ...	1877	13	1·9	5	18	25	2·9	24	12	65	27	17
	1878	14	1·6	6	16	30	1·9	23	10	69	22	18
Gujrát ...	1877	24	·8	5	12	27	2·5	21	11	65	35	25
	1878	22	·4	6	14	28	2·4	20	9	69	38	22
Shahpur ...	1877	22	2·4	8	13	35	2·7	14	6	70	46	32
	1878	23	·9	9	13	30	2·7	17	·7	71	48	29
Mooltan ..	1877	22	1·4	8	28	16	2·3	16	7	70	17	9
	1878	20	·9	9	28	16	1·6	18	8	70	22	13
Jhang ...	1877	16	1·8	8	15	31	·6	22	7	76	15	16
	1878	16	·8	11	12	33	·5	20	7	75	26	17
Montgomery ..	1877	19	1·2	9	6	37	2·0	19	9	69	25	18
	1878	17	·8	10	7	34	2·3	22	9	70	30	20
Muzaffargarh ..	1877	22	·5	8	23	24	·9	18	5	79	24	18
	1878	17	·8	9	22	30	1·1	18	3	83	26	17
Dera Ismail Khan ...	1877	15	2·9	9	17	31	2·5	20	7	75	19	14
	1878	15	4·3	10	16	29	2·1	19	6	78	21	16
Dera Gházi Khan ...	1877	13	1·6	6	21	22	2·5	28	8	77	17	9
	1878	16	1·2	6	19	23	2·1	25	9	74	20	11
Bannu ...	1877	10	4·2	9	15	23	2·6	26	13	67	23	18
	1878	12	4·2	9	16	18	1·8	30	11	73	23	19
Peshawar ...	1877	11	1·6	9	14	10	1·1	38	15	71	17	14
	1878	15	1·7	8	11	15	1·9	35	14	72	18	15
Hazara ..	1877	14	3·5	6	24	8	3·0	31	13	70	13	10
	1878	14	2·9	8	30	6	2·5	29	10	74	14	13
Kohát ...	1877	8	·9	10	21	24	·9	28	8	78	31	18
	1878	14	3·1	9	18	26	·7	22	8	73	32	28
Total ...	1877	17	1·1	8	19	21	1·7	25	9	72	26	17
	1878	16	1·0	9	19	22	1·6	24	9	74	27	18

Cases dismissed on default.

14. The proportion of cases dismissed on default was 16 per cent. against 17 per cent. in the previous year. Applications for re-admission were filed in 18 per cent. of the cases thus disposed of, and of these applications 79 per cent. were admitted. Altogether, therefore, 14 per cent. of the cases dismissed on default were restored to the file ; a further percentage of ·8 were re-instituted as fresh suits.

The Siálkot, Gujrat, and Shahpur Districts continue to be conspicuous for the large proportion of cases dismissed on default. In the Shahpur District, where the proportion of applications for restoration to the file is also very high, the Commissioner is making enquiries as to whether the Courts are duly careful to inform plaintiffs of the date fixed for hearing. In the other two Districts, applications to set aside the order of dismissal were not unusually numerous.

In four Districts, *viz.*, Delhi, Hissar, Rohtak and Simla, the proportion of dismissals on default is under 10 per cent.

15. Nine per cent. of the disposals of the year were *ex parte*, as compared with 8 per cent. in the previous year. In 10 per cent. of the cases so decided, applications were made to set aside the decree, and of these applications 63·4 per cent. were successful. These results are not materially different from those obtained during the preceding year.

Ex parte cases and applications to set aside *ex parte* decrees.

16. It will be observed that there has been a slight falling off in the percentage of cases referred to arbitration. The percentage was highest in the Karnál (3·4), and Gujránwála (3·0) Districts.

Cases referred to arbitration.

In seven districts, Rohtak, Jullundur, Hoshiárpur, Amritsar, Lahore, Jhang, and Kohát, the proportion did not reach 1 per cent. In 82 cases, out of the 3,941 referred to arbitration, the award of the arbitrators was set aside.

17. Out of 14,730 cases pending at the close of the year, 1·4 per cent. only had been pending for more than 4 months, and 4 per cent. over 2 months. At the close of 1877, 4·5 per cent. of the pending cases had been pending more than 2, and 2·2 per cent. more than 4 months.

Pending cases.

The heaviest pending file was in the Hoshiárpur District. In this District, the year opened with a pending file of 1,652 cases and closed with a file of 2,001 cases; but as the Commissioner points out, the institutions were greatly in excess of the previous year, and it is satisfactory to find that there were fewer old cases pending at the close of 1878 than at the close of the previous year.

The oldest case pending was the one mentioned in para. 16 of the Report for 1877. The Deputy Commissioner of Rawalpindi explains that the returns to the commissions issued have not yet been received.

18. The average duration was, in contested cases, 27 days, and in uncontested cases, 18 days, being in each class one day more than in the previous year.

Average duration of cases.

The average duration of contested cases was highest in the following Districts:—

Shahpur	...	...	...	48 days
Gujrat	...	...	...	38 „
Amritsar	...	...	...	37 „
Jullundur	...	...	...	35 „

The long duration of cases in the first three Districts is not satisfactory, and the Court hopes that the work will be more promptly disposed of during the present year. In Jullundur, frequent and prolonged postponements were unavoidable during the last four months of the year owing to floods and the severe sickness which followed.

19. The average number of days parties had to attend Court was, as in 1876, 3, being a slight increase on the attendances required in 1877. In the Peshawar District alone did the average reach 4 days, whereas in ten Districts, *viz*: Delhi, Gurgaon, Hissar, Umballa, Simla, Hoshiarpur, Gujránwála, Rawalpindi, Bannu and Kohát, on an average two appearances sufficed.

Average number of appearances.

20. In the year under report, 4,909 plaints were rejected or returned, against 5,523 in the preceding year. These powers were most freely exercised in the Amritsar, Umballa and Jullundur Districts.

Plaints rejected or returned.

C.—Miscellaneous cases.

21. Exclusive of applications connected with the execution of decrees, which will be noticed hereafter in Section G, 40,749 miscellaneous cases were disposed of during the year, as compared with 40,563 cases in the preceding year.

Cases disposed of.

Variations in certain classes.

22. The most remarkable variations are noted below:—

Decrease in applications under Act XXVII of 1860.

The returns show a decrease of 63, or 9·2 per cent. in applications under Act XXVII of 1860 for certificates to collect debts on succession. The most noticeable decreases are in the Delhi and Lahore Districts. In the former district, only 8 applications were made during 1878, compared with 57 applications in the previous year. In Lahore, the number fell from 171 to 145.

Applications under Act XL of 1858 and Act IX of 1861.

Applications, under Act XL of 1858 and Act IX of 1861, for the guardianship of minors, are never very numerous in the Punjab. During the year 1878 only 119 applications were filed, as compared with 145 in the previous year.

Increase in applications under Sections 7 and 8 of Regulation XVII of 1806.

The steady increase which has been apparent for some years in applications under Section 7 and 8 of Regulation XVII of 1806, for foreclosure of mortgages by way of conditional sale, was noticed in the Civil Report for 1877. The following are the figures for the past five years:—

1874	1875	1876	1877	1878
63	151	171	339	386

During the year under report, applications were most numerous in Hissar (74), Gujránwála (56) and Ludhiána (42). The Gujránwála District was, it will be remembered, conspicuous in this respect in 1877. With reference to this year's figures the Deputy Commissioner explains that.—

"It must be understood that the cases referred to only appear in this statement when the notice required by the Regulation is issued. At a later stage of the case, when the mortgagee proceeds to foreclose, the suit is treated as a regular one."

It is possible that a different system of record may be adopted in other Districts, and this question is under enquiry.

Petitions for review of judgment.

23. Petitions for review of judgment numbered 2,098 during the year under report, as compared with 2,461 during the previous year. The decrease is chiefly in the Ludhiána and Lahore Districts.

The petitions were disposed of as under:—

	Number	*Percentage.*
Struck off for default	189	9
Rejected on the merits	780	37
Admitted	1,129	54

The former orders were upheld in 51·3 per cent. of the cases in which the petition for review was admitted, and in 48·7 per cent. were reversed or modified. In 1877, the corresponding proportions were 57 5 and 42·5 per cent. respectively.

Increase in petitions to sue in *formâ pauperis*.

24. Petitions to sue in *formâ pauperis*, rose from 1,230 in 1877 to 1,289 in 1878. The increase is most marked in the Ludhiána and Jhelum Districts. In the former, 136 petitions were presented during 1878 against 57 in the previous year. In the Jhelum District not a single petition was presented in 1877, whereas 22 petitions were filed during the year under report.

Applications for the filing of private awards.

25. Only 41 applications were made during the year for the filing in Court of private awards, and of these the Siálkot District contributed 17. The fluctuations in this class of cases are somewhat curious. It has been noted above that during 1878 the Siálkot District contributed 17 cases out of a total number of 41 for the Province. During the previous year, only 3 applications were filed in the Siálkot Courts. On the other hand, not a single application was brought in the Jhelum District during 1878, whereas in 1877 there were 36 such applications.

Increase under head "References."

26. Under the head of References from other districts, the statements show an increase of 2,424, or 15 3 per cent. The increase is most marked in the Gurdáspur District, where the number has risen from 1,253 to 2,366. The cause has not been explained. The power given to Civil Courts by Section 648 of the new Code of Civil Procedure to issue warrants of arrest

and attachment of property beyond the limits of their local jurisdiction is noted in several reports as a cause of increase.

D.—Classification of Suits.

27. The number of each class of original suits disposed of in the Province during the year will be found in Imperial Return No. 6.

Fluctuations in classes of suits compared.

The following comparative statement, from which, as from Imperial Return No. 6, re-admitted and transferred cases are excluded, shows the variations in the different classes of suits during the last four years :—

	1875.	1876.	1877.	1878.
Suits for money due on registered bonds	10,949	12,042	8,528	8,014
Do. do. unregistered bonds	71,298	75,791	73,485	78,531
Do. do. otherwise than on bonds	91,785	98,451	99,719	102,928
Do. for breaches of contract	1,747	1,611	1,689	2,162
Do. for rent other than of land	2,669	2,845	2,636	2,800
Do. for damages	2,386	2,220	2,288	2,130
Do. for recovery of personal property or value thereof	12,895	11,464	13,220	14,898
Do. relating to marriage, dower and divorce	3,541	3,269	3,572	2,969
Do. do. to inheritance	3,195	4,036	3,488	2,594
Do. do. to revenue	5,571	6,653	6,622	6,853
Do. do. to mortgages of immovable property	3,251	2,868	2,966	3,546
Do. for partition of immovable property	835	938	907	806
Rent suits not under the Punjab Tenancy Act	5,092	4,846	4,734	5,263
Suits under the Punjab Tenancy Act. — To establish or contest rights of occupancy (Sections 5, 6 and 8.)	1,051	818	712	456
Suits under the Punjab Tenancy Act. — Connected with rent (Sections 10, 11, 14, 15 and 18)	524	291	372	531
Suits under the Punjab Tenancy Act. — Connected with ejectment (Sections 19, 20, 25 and 26,	1,127	1,135	928	658
Other suits	10,987	10,224	10,379	8,126
TOTAL ...	228,903	239,498	236,245	243,265

Suits for land, and for money due.

28. From the above table it will be seen that out of the 243,265 cases disposed of, 19,777 or 8·1 per cent. were suits connected with land and 191,635 or 78·7 per cent. were suits for money. These figures show an increase of 8·4 per cent. in the number of suits in the first class of cases and 4·6 per cent. in the number of money suits as compared with the previous year.

Suits on bonds registered or unregistered.

29. There has been a decrease of 6·4 per cent. in suits on registered bonds and an increase of 6·9 per cent. in suits on unregistered bonds. The decrease in suits on registered bonds is most noticeable in the Kángra, Siálkot and Gujrat Districts. On the other hand, the Districts of Hoshiárpur (1,238 cases), Gurdáspur (1,486 cases) and Siálkot (1,255 cases) show the most prominent increase in suits on unregistered bonds.

On the question of the unpopularity or otherwise of the bond, whether registered or unregistered, as the basis of a suit, the balance of opinion supports the view taken in the report for 1877, and more than one officer regards the change favorably.

Other suits for money due.

There is an increase of 3,209 or 3·2 per cent. in the number of suits for money due otherwise than on bonds.

Suits for the recovery of personal property.

30. In suits for the recovery of personal property there is an increase of 1,678 cases or 12·7 per cent., as compared with 1877. The increase is most marked in the districts noted below :—

Ludhiána	864 cases.
Hoshiárpur	767 „

Suits relating to marriage and cognate subjects.

31. There is a decline of 603 in the number of suits relating to marriage, dower and divorce. They were most numerous in the following Districts:—

Rawalpindi	...	...	...	302 cases.
Jhelum	...	...	...	210 „
Amritsar	...	..	...	206 „
Bannu	...	...	...	196 „

Suits connected with the revenue.

32. Suits connected with the revenue rose from 6,622 in 1877 to 6,853 in 1878;—an increase of 231 cases or 3·5 per cent. The largest number of suits under this head was brought in the undermentioned Districts:—

Umballa	...	...	...	879 cases.
Jullundur	...	...	...	715 „
Hoshiárpur	...	...	...	671 „
Ferozepore	...	...	...	647 „

Mortgage suits.

33. There is an increase of 580, or 19·6 per cent., in suits relating to the mortgage of immovable property. Distinguishing between mortgages of land, and mortgages of other immovable property, the increase affects either class of case. The following Districts show the largest number of cases:—

Ludhiána	...	...	...	282 cases.
Hoshiárpur	...	...	...	354 „
Amritsar	...	...	...	529 „
Siálkot	...	...	...	340 „

Suits for the partition of immovable property.

34. Suits for partition of immovable property decreased by 101 or 11·1 per cent. as compared with 1877. The Districts in which they were most frequent were:—

Amritsar	...	...	...	139 cases.
Gurdáspur	...	...	...	172 „

35. Taking, as last year, the various descriptions of suits under the Punjab Tenancy Act together, it will be observed that there has been a steady decrease in this class of cases during the last few years. The following are the aggregates for the past four years:—

1875	1876	1877	1878
2,702	2,244	2,012	1,645

The decrease is most marked in the following Districts:—

Sirsa	...	...	...	103 cases.
Hazára	...	...	...	217 „

In some Districts, however, there is an increase, which, the Deputy Commissioners say, is due to the law on the subject becoming better understood.

Suits by bankers &c. against agriculturists.

36. Suits brought by bankers and shop-keepers against agriculturists are steadily on the increase, as will be noticed from the annexed table which gives the statistics for the past four years:—

Year.	Number of suits.	Percentage of increase over previous years.
1875	90,889	9
1876	101,272	11
1877	115,778	14
1878	116,717	·8

In the year under report these suits formed 48 per cent. of the entire litigation disposed of in the Punjab.

The proportion was highest in the following districts:—

Siálkot	...	...	...	77 per cent.
Sháhpur	...	...	...	78 „

and lowest in the undermentioned :—

Simla	...	...	...	4 per cent.
Peshâwar	..	...	...	16 „

E.—Value and Cost of Suits.

37. The following tabular statement gives particulars in addition to the information contained in Imperial Return No. 7 regarding the value and cost of suits.

Re-admitted and transferred cases are excluded from both statements.

Valuation of suits.	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.							Other Suits.						
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Percentage of costs to value.		Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Percentage of costs to value.	
				Rs. a. p.	Rs. a. p.						Rs. a. p.	Rs. a. p.		
Not exceeding Rs. 5	3,316	12,108	5,970	3 2 9	1 9 ..	49·3		28,396	1,02,778	25,495	3 9 11	... 14 4	24·8	
Ditto „ 20	6,396	79,104	15,211	12 3 11	2 6 1	19·2		82,435	10,43,000	1,50,366	12 11 5	1 13 2	14·3	
Ditto „ 100	6,298	2,88,898	37,391	45 13 11	6 3	13·1		85,986	36,82,897	4,13,123	42 13 4	4 12 10	11·2	
Ditto „ 500	2,390	4,45,334	42,856	186 5 4	17 14 11	9·6		22,283	38,11,836	3,70,246	171 1	16 9 10	9·7	
Ditto „ 1,000	184	1,25,277	12,527	680 13 8	68 1 3	9·9		1,426	9,44,701	91,194	662 7 9	63 15 2	9·6	
Ditto „ 5,000	88	1,30,619	12,882	1,813 7 8	155 3 3	8·5		566	10,54,871	82,374	1,863 11 8	145 8 7	7·8	
Ditto „ 10,000	2	16,395	1,761	8,197 8	880 8	10·7		57	3,83,596	28,551	6,729 12 1	500 14 4	7·4	
Ditto „ 100,000	...	...	...	...	...	...		23	5,35,037	26,676	23,262 7 7	1,159 13 3	5·0	
Exceeding „ 100,000	...	...	...	...	...	...		...	...	...	...	...	...	
Total ...	19,169	11,17,635	129,098	58 4 10	6 11 9	11·5		221,172	1,15,63,716	11,88,025	52 4 6	5 11 4	10·2	
Suits of which the value cannot be fixed.	608	...	9,187	...	15 1 9	...		2,316	...	24,659	...	10 10 4	...	
Grand total ...	19,777	11,17,635	138,285	...	6 15 11	...		223,488	1,15,63,716	12,12,684	...	5 6 9	...	

Land suits.

38. The total number of land suits disposed of, excluding those the money value of which cannot be determined, amounted to 19,169 as compared with 17,498 in the previous year. The increase is chiefly in the class of suits not exceeding Rs. 500.

The value and cost of such suits rose from Rs. 9,77,844 and Rs. 1,17,302 respectively in 1877 to Rs. 11,17,635 and Rs 1,29,098 in the year under report. The average value increased from Rs. 53-9-9 to Rs. 58-4-10. There was also a slight increase in the percentage of costs to value.

The question regarding the valuation system in land suits, noticed in para. 37 of last year's report and commented on in para. 4 of the Government Proceedings thereon, has been disposed of in a special reference since the publication of the report.

Other suits.

39. The number of suits not connected with land rose from 215,712 in 1877, to 221,172 in 1878. Excluding the class of suits of the smallest denomination, the increase extends to all the other classes shown in the statement. The aggregate value of suits of this description was Rs. 1,15,63,716, an increase of Rs. 93,65,283 over the amount of 1877. The average cost of each case was slightly higher than that of 1877, while the difference between the percentage of costs to value was merely nominal.

Petty litigation.

40. The large proportion of litigation under Rs. 500 in value or amount is again a noteworthy feature in the statement above given.

F.—Agency for disposal of Suits.

41. The general result of the disposal of Civil suits is shewn in Imperial Return No. 8.

The following tabular statement shews in detail the distribution of original suits among the several Courts during the past three years :—

Officers.	Original cases Decided.				Average number of cases decided by officers of each grade.		
	Number in 1878.	Percentage.					
		1876.	1877.	1878.	1876.	1877.	1878.
Deputy Commissioners	181	·07	·1	·1	5	5	5
Judicial Assistants (Europeans)	1,792	·5	·7	·7	88	110	112
do. (Natives)	2,239	·8	·9	·9	416	336	373
Assistant Commissioners	7,874	4·2	4·4	3·1	163	312	231
Extra Assistant Commissioners (Europeans) ...	2.749	1 1	1·0	1·0	136	186	250
do. (Natives) ...	25.427	13 0	11·1	10 1	402	339	310
Tahsildárs	30,329	15 1	14·4	12·1	310	319	276
Naib-Tahsildárs	8,753	5·9	5·3	3.5	123	238	243
Munsiffs	136,119	44·8	48·3	54·3	1,495	1,593	1,839
Honorary Civil Judges	12,267	5·0	5·5	4 9	249	246	223
Judges of District Small Cause Courts ...	14,491	6·3	5 2	5·8	1,951	1,595	3.623
Judges of Cantonment do ...	8,635	3·1	3·1	3·5	954	943	1,079
Total ...	250,856	...	...	..	...	...	...

Disposals by Munsiffs.

42. The percentage of cases disposed of by Munsiffs during the year under report to the total number of disposals in the Province is 54·3 as compared with 48·3 in the previous year.

Thus it will be seen that the Civil work disposed of by this class of Courts has been steadily increasing each year. This agency is reported to be both effective and popular throughout the Province.

* Umballa, Ludhiána, Jullundur, Hoshiárpur, Amritsar, Gurdáspur, Siálkot, Mooltan, Jhang.

An average of more than 2,000 cases was decided during 1878 by each Munsiff in the Districts noted in the margin. *

The average was lowest in the following :—

Rawalpindi	1,181	cases.
Jhelum	1,049	do.
Shahpur	1,176	do.

From the above it will be observed that on an average the smallest number of cases was disposed of in the Rawalpindi Division.

Disposals by Tahsíldárs.

43 Disposals by Tahsíldárs were, on an average, within the limit fixed for these officers.

This limit was exceeded in the undermentioned Districts:—

Rohtak	...	...	...	392 cases.
Kangra	...	...	...	438 do.

Disposals by European and by Native agency.

44. The Civil business of the Province was divided between European and Native officers as follows:—

	No. of cases	Percentage.
Europeans	35,722	14·2
Natives	2,15,134	85·8

Judicial Assistants and Assistant Commissioners.

45. There is a decrease of 246 in the number of cases disposed of by Judicial Assistants, and 2,755 in those decided by Assistant Commissioners. The fact to be hereafter noticed, (Part III) that Judicial Assistants have disposed of a larger number of appeals in 1878, and that Assistant Commissioners, as such, are numerically weaker than heretofore, supplies the probable explanation in either case.

46. There is a decrease of 1,267 in the number of cases disposed of by Honorary Civil Judges as compared with the preceding year, but an increase of 66 cases as compared with 1876.

G. Execution of Decrees.

47. The execution work of the various Civil Courts in the Punjab is shown in Imperial Return No. 10.

Detailed statement of execution of decrees.

Further details connected with the working of the Courts in this branch of Civil business are contained in the annexed comparative statement:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
DISTRICT.	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of.	Average duration.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Percentage realized.
Delhi	1877	5,873	1,522	2,200	1,661	108	5,581	27	22	7,19,604	20,930	1,39,459	22
	1878	6,050	1,420	2,376	1,688	147	5,631	25	25	5,44,726	28,633	1,19,589	27
Gurgáon	1877	1,901	595	666	522	40	1,823	33	34	2,74,097	99	42,353	30
	1878	1,589	459	570	327	44	1,400	32	38	1,79,656	1,332	37,666	22
Karnal	1877	2,210	510	423	1,085	41	2,059	24	35	1,16,547	8,548	43,756	45
	1878	2,540	566	363	1,134	50	2,113	27	43	2,16,435	50,552	86,887	43
Hissar	1877	1,645	475	439	659	22	1,595	29	24	1,14,743	5,253	22,429	24
	1878	1,526	475	426	481	25	1,407	34	25	1,19,948	7,028	26,261	28
Rohtak	1877	2,650	917	1,157	425	40	2,539	36	38	1,52,980	9,938	36,455	30
	1878	2,807	865	1,139	336	47	2,387	36	33	1,44,913	10,469	33,930	32
Sirsa	1877	1,153	367	352	352	13	1,084	34	31	1,12,739	17,885	15,939	29
	1878	1,116	366	291	326	14	998	36	29	1,03,630	13,417	15,598	28
Umballa	1877	6,929	2,476	1,059	2,192	...	6,727	39	39	6,65,562	22,991	1,64,687	29
	1878	8,188	2,580	2,339	2,218	23	7,160	36	46	3,74,365	19,165	1,74,952	52
Ludhiana ...	1877	6,977	1,878	2,566	2,192	...	6,636	29	26	4,39,843	11,103	1,04,674	26
	1878	5,983	1,867	2,179	939	...	4,985	37	33	3,43,763	8,781	1,03,090	32
Simla	1877	2,059	582	435	903	48	1,968	29	10	1,82,668	7,824	49,910	31
	1878	2,300	594	540	1,033	44	2,211	27	12	2,25,097	8,541	45,957	24

1	2	3	4	5	6	7	8	9	10	11	12	13	14
DISTRICTS	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of.	Average duration.	Value of decrees put in execution.	Amount realized		Percentage realized.
											Voluntarily.	After execution of coercive processes.	
Jullundur	1877	12,836	3,269	3 674	4,102	..	11,045	29	33	3,37,638	11,238	1 91,477	24
	1878	11,790	3,858	2,881	3,125	..	9,864	39	51	3,14,443	11,527	1,89,220	24
Hoshiarpur ..	1877	12,189	3,282	2 812	4 267	.	10,361	32	39	7,85,925	12,001	1,63,368	22
	1878	12,778	3,871	2,882	3,579	..	10,332	37	55	6,37,824	10,191	2,20,111	36
Kangra	1877	4,092	1,783	1,074	918	...	3,770	47	39	1,50,397	4 982	49,384	36
	1878	4,749	2,000	1,092	965	.	3,967	50	35	1,69,955	9,758	57,628	39
Amritsar	1877	13 084	3,934	2 985	3,896	533	11,848	35	26	3,04,286	33,691	2 06,514	30
	1878	11,592	3,768	2,752	3,026	357	9,903	38	57	7,41,048	35,385	1,79,825	29
Gurdaspur ...	1877	8,560	2,845	2,394	2,135	24	7,398	39	53	5,96,744	4,008	1,56 141	30
	1878	9,088	3,530	2,650	801	57	7,038	50	64	5,52,140	4,595	1,79,778	33
Sialkot	1877	11,980	3,833	3 474	3,512	.	10 819	35	23	4,72,863	1,175	1,81,850	38
	1878	11,409	3,810	3,384	2,072		9,366	38	30	5,03,148	2,104	1,50,908	30
Lahore	1877	12,483	3,080	5,571	2 928	12	11,591	27	29	5,90,142	46 840	1,41,469	32
	1878	13,442	3,066	5,685	3,257	238	12,246	25	34	5,25,892	51,598	1,55,750	39
Gujranwala ...	1877	7,166	1,874	1,687	2,892	25	6 418	29	37	3,38,909	14,680	75,604	26
	1878	6,796	1,838	1,752	2,329	4	5,923	31	41	3,21,541	13,600	1,00,950	36
Ferozepore ..	1877	6 121	1,651	1,957	2,052	.	5,660	29	33	4,38,881	8,551	1,05,191	26
	1878	5,992	1,735	1,843	1,856	5	5,439	32	29	3,45,714	13,537	1,05,591	34
Rawalpindi	1877	5,869	2,256	1,174	1,950	38	5 418	42	31	4,88,586	14 030	1,08,944	25
	1878	6,074	2,351	1,126	1,815	49	5,341	44	34	5,19,597	14,453	1,34,748	29
Jhelum	1877	2,488	871	805	528	..	2,204	39	29	2,06 755	3,444	53,320	27
	1878	2,568	1,051	585	641	2	2,279	46	44	2,08,785	8,987	49,294	28
Gujrat	1877	5,246	1,564	1,410	1,520	-	4,494	35	27	1,93 624	3 451	83,311	45
	1878	5,477	1,716	967	1,644	...	4,327	39	33	1,91,207	2,294	72,651	39
Shahpur	1877	3,250	759	527	1,591	...	2 877	26	52	2,52,353	10,183	34,799	18
	1878	2 848	796	563	1,162		2,521	31	79	1,55,724	13,692	35,591	30
Mooltan	1877	1,993	780	400	679	..	1,859	42	25	1,86 356	12 474	50,452	34
	1878	2,604	1,121	406	891	..	2,418	46	21	2,41,360	16,919	58,136	31
Jhang	1877	2,245	883	485	721	..	2,089	42	31	84,636	8,292	23,952	38
	1878	2,211	845	427	766	...	2,038	41	33	1,42,998	5,287	44,118	34
Montgomery ...	1877	2,042	564	471	864	.	1,899	30	26	1,68,260	11,853	19,007	19
	1878	1,779	750	382	482	..	1,614	46	33	1,52,764	8,665	40,177	32
Muzaffargarh ...	1877	2,328	918	331	970	9	2,228	41	34	1,08,313	2,209	41,281	40
	1878	2,145	1,096	316	462	2	1,876	58	38	90,381	9,675	42,259	57
Dera Ismail Khan ..	1877	2,561	1,022	433	978	.	2,433	42	19	2 09,110	15 831	52,368	34
	1878	2,265	953	339	811	...	2,103	45	36	1,55,452	10,722	77,678	56
Dera Ghazi Khan ..	1877	2,773	1,520	368	695	..	2,583	59	19	1,21,043	21,750	36,500	48
	1878	2,622	1,231	381	754	...	2,366	52	25	1,37,244	15,598	38,021	39
Bannu	1877	1,589	802	247	377	...	1,426	56	24	87,910	12,661	32,944	52
	1878	1,438	680	252	362	...	1,294	52	29	74,950	5,344	31,792	49
Peshawar	1877	3,500	1 559	909	740	...	3,208	49	17	2,24,572	16,779	80 861	43
	1878	2,939	1,104	609	982	...	2,695	41	23	3,73,568	8,900	55,456	25
Hazara	1877	1,946	779	578	446	...	1,803	43	19	69,262	6,812	24,315	45
	1878	1,995	672	411	658		1,741	38	16	70,318	4, 898	20,927	37
Kohat , ..	1877	349	193	57	54	.	304	63	31	15,048	1,161	6,607	52
	1878	388	209	47	114	...	364	56	30	12,196	777	5,583	52
Total ...	1877	1,57,937	49,343	43,720	48,741	1,043	1,42,847	34	30	97,75,995	3,82,117	25,39,391	30
	1878	1,56,973	51,237	42,465	41,035	1,108	1,35,845	38	36	94,89,841	4,26,514	27,17,917	34

There has been a decrease of ·6 per cent. in the number of applications as compared with 1877. This is so small as to call for no remark.

Details of disposal.

48. Of the total number of applications for disposal, 135,845 or 86·5 per cent. were disposed of The following were the details of disposal for two years :—

	Percentage. 1878	1877
Completely executed	38	·34
Partially executed	31	31
Struck off without any execution	30	34
Transferred	1	1

Decrees completely executed.

49. From the above it will be seen that the percentage of decrees completely executed is higher than in 1877. It was highest in the Muzaffargarh, Dera Ghazi Khan, Bannu and Kohát Districts, in each of which more than 50 per cent. of the decrees put in execution were completely executed. The proportion was lowest in the Delhi and Lahore Districts, in neither of which did it exceed 25 per cent.

Amount in execution and proportion of realizations thereto.

50. The total value of decrees of all descriptions put in execution during the year amounted to Rs. 94,89,841. Of this sum Rs. 31,44,431 or 34 per cent. were realized.

This shows an increase in realizations of 4 per cent., as compared with 1877 and 8 per cent. as compared with 1876.

The proportion of realizations to amount in execution was highest in the Districts of Muzaffargarh (57 per cent). and Dera Ismail Khan (56 per cent). It was lowest in the Gurgaon District (22 per cent).

This result is no doubt due to the changes mentioned in para. 51 of last year's report

There is still however room for improvement, and the matter must be kept constantly under notice.

There is an increase of upwards of 20 per cent. in the realizations of 1878 over those of 1877 in the Umballa and Dera Ismail Khan Districts, while there is a falling off of 18 per cent. in the Pesháwar District.

Details of realization.

51. Money decrees were realized as follows:—

Paid in voluntarily	14	per cent.
Realized by means of arrest or imprisonment ...	5	„
Do. by attachment of movable or immovable property	67	„
Do. by sale of do. do.	14	„

The difference between the above proportions and those of 1877 calls for no remark.

Decrees for immovable property and specific performance.

52. Besides the money decrees there were 5,753 decrees relating to immovable property executed during the year, as compared with 5,905 in the previous year;—a decrease of 152.

Decrees for specific performance increased by 101.

Arrest and imprisonment.

53. Of 8,131 persons for whose arrest applications were made, 828 were committed to Jail.

Civil prisoners of all kinds were detained on an average 31 days. Of these 513 were released within a month. The longest period any person was detained in prison was in the Jhelum and Jhang Districts, 182 days in each. These long detentions have not been explained.

The amount realized by means of arrest was Rs. 1,22,287, and by means of imprisonment Rs. 41,856.

Attachment and sale of property.

54. Of the 80,290 attachments of movable property sales took place in 20,677.

Sales of immovable property followed 2,510 of the 3,761 attachments made

Temporary alienations of land.

55. There were 406 temporary alienations of land as compared with 302 in the preceding year.

Average duration.

56. The average duration of execution cases rose from 30 to 36 days.

57. By Book Circular II of 1878, the Judges recommended that the execution of all decrees passed by the Superior Courts at the head-quarters of a district should be entrusted, wherever practicable, to one officer. Opinions are divided as to the efficiency or otherwise of the system. But the majority of officers have not given a decided opinion on this point, as they consider that the scheme has not had a sufficiently long trial. The Judges deem it inexpedient to comment at present on the results of the experiment.

Results of Book Circular II of 1878.

H.—WITNESSES.

58. The following table shows the attendance of witnesses in Civil Courts during the past two years :—

	1877	1878	Difference.
Number of witnesses who appeared voluntarily ...	146,947	148,194	+1,247
Number of witnesses who appeared on summons ...	254,135	206,201	-47,934
Total ...	401,082	354,395	-46,687

Voluntary witnesses.

59. There is, as in the two previous years, an increase in the number of witnesses who attended voluntarily.

Opinions are again divided as to the advantage or otherwise of the attendance of witnesses by private arrangement. The continuing increase in the number of witnesses not summoned by process of Court would seem to show either (*a*) that litigants themselves do not find any particular inconvenience in personally producing their witnesses, or (*b*) that the practice of issuing summons for final disposal is increasing. The statistics as at present compiled throw no light on the latter point.

Payment of witnesses.

60. The defect noticed in the report for 1877 and commented on in para. 8 of His Honor's review has been remedied in the year under report.

The statistics furnished show that the total number of witnesses who received allowances for expenses were 146,800 and the average amount paid to each witness was eight annas and six pies.

The average was highest in the following districts:—

	As.	Ps.
Dera Ismail Khan	12	3
Hissar	11	8
Jhelum	11	3
Karnal	11	2

and lowest in the undermentioned :—

	As.	Ps.
Simla	5	10
Hazára	5	9
Kohát	5	7

The average cost of each process issued for the attendance of witnesses was five annas and three pies. The average was highest in the districts of Ludhiána (annas 12, pies 5), Umballa (annas 12, pies 4), Bannu (annas 10, pies 4), and Amritsar (annas 9, pies 5) while it was only three annas in the Hazára District.

Time of payment.

61. The reports show that there is still a difference in the time of paying the expenses of witnesses. The direction of the Code, however, appears to be generally observed.

PART II.—SMALL CAUSE COURTS.

Explanation of the comparative statement of Small Cause Court cases.

62. It will be remembered that towards the end of 1877 the District Small Cause Courts at Ludhiána, Jullundur, Hoshiárpur and Peshawar were abolished. From the following statement, which gives a comparative view of the working of District Small Cause Courts during the year 1878, the results of the working of the abolished Courts has been excluded. A column

has been added, which shows the number of cases in each Court in which the defendant resided beyond municipal limits. This column gives the information desired by His Honor at the conclusion of para. 9 of his review of last year's report.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
COURTS.	Number of cases on the File.										Average duration of each case.			
	Pending from last year.	Instituted in 1878.	Re-admitted under Secs. 99 and 103 of Act X of 1877, or Sec. 21 of Act XI of 1865.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at the end of the year.	Percentage of contested cases.	Contested.	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.	Number of cases in column 9 in which the defendant resided without municipal limits.
Delhi ...	110	3,155	53	3,318	670	1,502	1,009	3,181	137	31·7	11	11	100	447
Simla ...	..	1,532	9	1,541	291	496	754	1,541		48·9	15	14	...	
Amritsar ...	83	4,157	79	4,319	1,219	1,723	1,163	4,105	214	28·3	30	26	570	973
Lahore ...	134	5,671	73	5,878	1,230	2,624	1,810	5,664	214	31·9	16	15	514	1,164
Total 1878	327	14,515	214	15,056	3,410	6,345	4,736	14,491	565	32·6	18	17	1,184	2,584
Total 1877	297	10,186	194	10,677	2,629	3,853	3,868	10,350	327	37·3	12	11	411	

Increase of litigation, and general causes thereof.

63. The results, then, of a comparison of the four working Courts in the year under report with that which preceded are that the general provincial increase of litigation has extended itself to Small Cause Courts. The number of institutions in 1878 show an increase of 42·5 per cent. over the totals of 1877.

The Simla Court, it should be noted, was open for only 7 months in the year.

Special causes.

64. The increase in litigation in the Delhi and Lahore Courts is attributed by the presiding officers to the change noted at the conclusion of para. 66 of last year's report. The figures in the added column of the statement annexed to para 62 of this report bear out Mr. Ryall's explanation, and they also to a less degree support Mr. Parker's. No special explanation of the Simla increase has been offered, while that in the Amritsar Court is to some extent attributable to the practical extension of the jurisdiction of Small Cause Courts.

Mr. Ryall's remarks on this subject deserve consideration :—

"The Government in restricting the jurisdiction of the Small Cause Court to the limits of the municipality, had in view not only to take away the control of the Court over suits against agriculturists, but also to lessen the work of the Court, which was admitted at the time to be more than could be efficiently performed by one Judge. The change in the law introduced by the present Civil Procedure Code has defeated the objects of the Government, the work of the Court has increased, and agriculturists residing out of the limits of the municipality can be sued in the Small Cause Court for debts contracted with petty traders and money lenders who reside or carry on business within the municipal limits"

Cases for disposal.

65. With cases pending from 1877, cases re-admitted, and new institutions, the number of causes for disposal amounted to 15,056.

Details of disposal.

66. Of this number 14,491 or 96·2 per cent were disposed of in the following manner, *viz* :—

Dismissed in default	11	per cent.
Otherwise disposed of without decree ...	12	„ „
Decided *ex parte*	15	„ „
Otherwise disposed of with decree, but without contest	29	„ „
Decreed after contest in favor of plaintiff ...	26	„ „
Do. do. do. defendant ...	7	„ „

The increase of 5 per cent. over the figures of 1877 in the number of *ex parte* decisions is noticeable.

Average duration.

67. The average duration has increased from 12 days in contested, and 11 in uncontested, to 18 days in the former, and 17 in the latter, class of cases. In 1876 the average was for the former class 14, and for the latter 13 days.

File pending at the end of the year.

68. The number of cases pending at the close of 1877 was 327, while at the end of 1878 it was 565.

Suits by bankers &c. against agriculturists.

69. Suits by bankers and shop-keepers increased from 411 in 1877 to 1,184 in 1878, and bore to the total number of institutions a proportion of 8 per cent.

Special features.

70. The increase of *ex parte* decisions, the rise in the average duration of cases, the greater number of pending suits at the close of the year and the extraordinary increase in the total of suits brought by the trading against the agricultural classes, all appear to give more or less support to Mr. Ryall's conclusions already quoted, and tend to bear out Mr. Parker in his assertion that the practical extension of the local jurisdiction of Small Cause Courts has produced results in other directions than causing an increase in the institution of cases.

Witnesses.

71. The following table shows the manner in which witnesses attended District Small Cause Courts during the year:—

	Number of witnesses who appeared without summons.	Number summoned whether they appeared or not.
Delhi ...	1,596	2,195
Simla ...	1,496	3,008
Amritsar ...	2,223	3,388
Lahore ...	1,457	2,089
Total ...	6,772	10,680

Re-trials.

72. There were 337 applications for re-trial compared with 466 in the preceding year, being 7 per cent. of the contested cases disposed of.

Of the applications for re-trial 323 were disposed of as follows:—

Struck off *in limine*	82	per cent.
Former judgment maintained	9	„
Former judgment reversed or modified ...	9	„

Cantonment Small Cause Courts.

73. The following statement shows the working of Cantonment Small Cause Courts during the year, with the totals of 1877 added to facilitate comparison:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of cases on the File.											Average duration of each case.		
Courts.	Pending from last year.	Instituted in 1878.	Re-admitted under Secs. 99, 103 and 108 of Act X of 1877.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of the year.	Percentage of contested cases.	Contested.	Uncontested.	General average duration.
Umballa ...	4	1,955	17	..	1,976	427	1,153	378	1,958	18	19·3	10	12	11
Jullundur ...	13	392	8	...	413	115	192	83	390	23	21·1	32	12	22
Sialkot ...	16	849	...	...	865	178	561	106	840	25	12·6	30	22	26
Mecan Meer ...	4	1,041	15	...	1,060	149	489	396	1,034	26	38·3	11	10	10
Ferozepore ...	7	1,250	2	...	1,259	218	823	203	1,244	15	16·3	9	5	7
Rawalpindi ...	3	2,265		..	2,268	499	1,179	587	2,265	3	25·9	10	8	9
Mooltan ...	18	584	5	...	607	144	268	162	574	33	28·2	9	5	7
Peshâwar ...	17	317	5	...	339	77	113	140	330	9	42·4	20	12	16
Total 1878	82	8,653	52	...	8,782	1,802	4,778	2,055	8,635	152	23·8	16	11	13
Total 1877	115	7,465	45	...	7,625	1,595	3,858	2,090	7,543	82	27·7	11	7	7

74. The remarks made above regarding the practical extension of District Small Cause Courts' jurisdiction by recent changes in the law apply with equal force to the corresponding figures in the returns of Cantonment Small Cause Courts.

Special features in the working of Cantonment Small Cause Courts.

PART III.—APPELLATE COURTS.

75. The general information regarding the Civil Appellate business of the Punjab given in Imperial Return No. 9, is amplified so far as regards District and Divisional Courts in the table which follows :—

DISTRICT.	Original appealable cases disposed of.	APPEALS.								Percentage of first appeals to decisions appealable.
		To Assistant Commissioners.	To Judicial Assistants.	To Deputy Commissioners.	Total to District Courts.	*To Commissioners.* From Courts of first instance.	*To Commissioners.* From Subordinate Appellate Courts.	Total to Divisional Courts.	Grand Total.	
Delhi	1,015	...	152	67	219	91	22	113	332	31
Gurgaon	539	...	...	121	121	54	33	87	208	32
Karnál	774	...	80	65	145	69	20	89	234	28
Hissar	565	...	...	62	62	73	3	76	138	24
Rohtak	1,198	...	115	76	191	81	29	110	301	23
Sirsa	849	...	...	175	175	67	29	96	271	28
Umballa	3,692	89	519	4	612	94	87	181	793	19
Ludhiána	3,360	...	620	59	679	141	65	206	885	24
Simla	582	...	4	1	5	40	...	40	45	8
Jullundur	4,069	...	488	94	582	191	70	261	843	19
Hoshiárpur	4,736	...	558	135	693	240	70	310	1,003	20
Kángra	3,305	19	314	44	377	26	42	68	455	12
Amritsar	5,010	...	629	...	629	216	83	299	928	17
Gurdáspur	5,515	...	296	56	352	121	16	137	489	9
Siálkot	5,162	...	481	27	508	47	59	106	614	11
Lahore	3,478	...	541	...	541	185	60	245	786	21
Gujranwála	2,864	...	309	1	310	122	35	157	467	15
Ferozepore	2,508	...	703	19	722	170	57	227	949	35
Rawalpindi	4,217	...	575	87	662	89	50	139	801	18
Jhelum	1,578	16	171	144	331	35	34	69	400	23
Gujrat	1,832	...	301	69	370	91	24	115	485	25
Shahpur	992	...	308	23	331	43	11	54	385	37
Mooltan	1,158	...	162	41	203	40	10	50	253	21
Jhang	1,336	...	...	148	148	23	7	30	178	13
Montgomery	902	...	...	77	77	43	4	47	124	13
Muzaffargarh	993	...	...	16	16	41	2	43	59	6
Dera Ismail Khán ...	1,269	...	113	16	129	66	8	74	203	15
Dera Ghazi Khán ...	1,971	...	107	35	142	80	4	84	226	11
Bannu	1,204	...	...	103	103	49	9	58	161	13
Peshawar	2,098	...	337	...	337	86	29	115	452	20
Hazára	1,177	...	...	94	94	28	10	38	132	10
Kohát	374	...	...	17	17	10	...	10	27	7
Total ... 1878	70,322	124	7,883	1,876	9,883	2,752	982	3,734	13,617	18
Total ... 1877	72,579	136	6,762	1,880	8,778	4,356	952	5,308	14,086	18

General results.

76. It will be observed that there is a decrease of 3·3 per cent. in the aggregate appellate work of Courts subordinate to the Chief Court.

77. The change, made in the early part of the year under report, whereby the stream of appeal was regulated, and the powers of Assistant Commissioners and Extra Assistant Commissioners were so adjusted as to divert the ordinary course of appeal in the mass of civil suits, from the Court of the Commissioner, to that of the District Officer, has borne

Effect of Government Resolution No. 1419, dated 4th April 1878, on appeals in Commissioners' Courts.

results, so far as Divisional Courts are concerned, which are at once visible in the comparative statement subjoined :—

Division.	1877.			1878.		
	From Courts of first instance.	From Subordinate Appellate Courts.	Total.	From Courts of first instance.	From Subordinate Appellate Courts.	Total.
Delhi	408	56	464	214	75	289
Hissar	333	51	384	221	61	282
Umballa	507	101	608	275	152	427
Jullundur	825	170	995	457	182	639
Amritsar	626	159	785	384	158	542
Lahore	671	151	822	477	152	629
Rawalpindi	530	136	666	258	119	377
Mooltan	177	22	199	147	23	170
Derajat	134	29	163	195	21	216
Peshâwar	145	77	222	124	39	163
Total ..	4,356	952	5,308	2,752	982	3,734

In the above table, only institutions are entered; and it will be seen that while most Commissioners have been very appreciably relieved, there has been a decrease of appellate business in every Division but the Derajat. The system was not in force during more than three quarters of the year, and even better results may therefore confidently be anticipated in succeeding years.

That there was no decrease in the Derajat Division may be attributed to the fact that the change alluded to was less sparingly introduced in that Division than elsewhere.

Its effect on District Appellate Courts and the Judicial Assistant scheme.

78. As regards District Appellate Courts the result has been to add 1,105 cases or 12·6 per cent. to the work of the subordinate appellate judiciary, while the object of relieving Deputy Commissioners from judicial work by the creation of Judicial Assistants has not been defeated by the introduction of the new system. In the aggregate, 1,880 cases were decided by Deputy Commissioners before, and 1,876 after, its introduction A comparison of the present return with that given in last year's report will disclose that in particular instances there has been an increase in Deputy Commissioners' appellate work only in 13 out of the 32 districts of the Province. The creation of Judicial Assistants, moreover, was a measure intended to relieve Deputy Commissioners from the pressure of civil work and not entirely to absolve them from civil judicial duties. It is difficult, indeed, to understand how a District Officer can properly inform himself of the judicial capabilities of his subordinate officers, unless from time to time, he reviews their work in the thorough manner which the appeal affords him an opportunity of doing.

Decrease in first, and increase in second appeals.

79. The decrease in first appeals amounts to 3·8 per cent; while, instead of the decrease in second appeals anticipated by His Honor (para. 5, review of last year's report), there is an actual advance, inappreciable in itself, of 30 cases.

General review of Appellate business in Courts subordinate to the Chief Court.

80. The table annexed to para. 76 exhibits the total number of appeals from each district, and includes in the grand total those preferred from each to the Divisional Court, and therefore takes in second appeals.

Increase in certain districts.

81. Reviewing the District totals subject to this explanation, the most marked increase will be found in the numbers for Ferozepore (190 cases), Ludhiâna (157), Lahore (74) and Mooltan (66). The causes have not been satisfactorily assigned. Mooltan was one of those conspicuous for increase in 1877 There has been a decrease of 9 per cent. on the other hand in the figures of the Jhelum District, where, last year, the percentage of increase was the highest in the Province; while the coincidence that the appeals to purely District Courts in this District were fewer by little more than the difference between the numbers disposed of by the Assistant Commissioner of Pind Dâdan Khan in 1877 and 1878 respectively, is striking.

Districts in which there was a decrease.

82. Subject to the same explanation as in the last preceding paragraph., the districts of Delhi (115 cases), Kángra (97) and Umballa (96), show the most marked falling off in the number of appeals.

Percentage of appeals in certain districts to cases appealable.

83. The appealable cases in the Kángra District have slightly, and in the Delhi District more appreciably, fallen off; but in the Jhelum, and still more in the Umballa District, there was an increase in the cases in which appeal was possible.

The Shahpur District still heads the list in the matter of percentage of appeals to cases appealable with a proportion of 37 to the hundred. Ferozepore and Gurgaon follow with 35 and 32 respectively.

With an increase from 4·2 to 6 per cent., Muzaffargarh is, as last year, the District where the proportion is smallest. The provincial percentage is practically the same as in 1877, and slightly exceeds that for 1876.

A.—Appeals in District Courts.

Appeals for disposal.

84. Appeals instituted during the year in District Courts numbered 9,883, and thus, together with 573 standing over from 1877, and 141 re-admitted in the year 1878, the total for disposal in this class of Court amounted to 10,597.

Appeals disposed of and pending at the close of the year.

85. Of this total 9,768 were disposed of, and the year closed with a pending file of 829 cases. The proportion of cases disposed of to those down for hearing was 92·1 per cent., or 2 per cent. less than in the previous year.

The actual number of disposals in 1878 shows an advance of 7·1 per cent. on those of 1877, and of 16·8 per cent. on those of 1876.

Details of disposal.

86. Deputy Commissioners disposed of 1,867 or 19 per cent., and Judicial Assistants and Assistant Commissioners specially empowered, of 7,901 or 81 per cent. of the grand total.

Details of disposal are as follow, the figures for 1877 being given for purposes of comparison :—

	1877.	1878.
Withdrawn or struck off in default ...	5·1	6·1
Contested and confirmed ...	...	34·5
Confirmed *ex parte*, *i. e.* after issue of notice to respondent)	43·9	10·1
Do. under Section 551 Civil Procedure Code	15·5	15·4
Modified ...	8·6	7·8
Reversed ...	15·1	15·8
Remanded for further enquiry ...	11·8	10·3

It will be observed that separate figures have this year been given for confirmations after appearance of respondent, and those in the absence of the respondent after service of notice on him. Bearing this in mind, the results for the 2 years will be found not greatly to differ.

The report for 1877 was distributed too late in the year to warrant the expectation of any marked change in the percentage of disposals under the provisions of Section 551 of the code in consequence of the remarks of the Judges and the comments thereon of His Honor. The importance of the subject has however impressed itself on reporting officers.

Variations in certain Districts.

87. Excluding Simla, where the results are too small for citation by way of test, the percentage of reversals was highest in the following districts, *viz* :—

Gurgaon	... ...	31 per cent.
Gujránwála	... ...	26 „
Rohtak, Siálkot	... ...	24 „

It was lowest in the following, *viz* :—

Gurdáspur	... ...	4 per cent.
Jhang	... ...	9 „
Hissar, Ludhiána	... ...	11 „

Gurgaon and Gujránwála were among the highest in this respect, and Gurdáspur and Ludhiána among the lowest in 1877 also.

Remands for further inquiry, though less numerous than in 1877, still exceed the proportion in 1876. They vary from 43 per cent. in the Muzaffargarh District to 1 per cent. in that of Jhelum.

Average duration.

88. The average duration of appeals in District Courts has decreased from 31 to 27 days, the best result since 1875. The highest (53 days) was in Jullundur. The lowest in Montgomery (8 days). In the Districts marginally noted, and in the order named, it ranged from 41 to 35 days, while in Sirsa and Hazára it did not exceed 11, and in Hissar, Muzaffargarh and Dera Ghazi Khan, 13 days.

Delhi, Pesháwar, Amritsar and Jhang

It is significant that in the Districts (excluding Peshâwar and Jhang) above noticed, as shewing a high average duration, the provisions of Section 551 of Act X of 1877 were most sparingly followed. In the Peshâwar and Jhang Districts the provincial average of confirmations under the terms of that Section were exceeded. On the other hand, in the Montgomery District (with an average duration of 8 days) 53 per cent. of cases were decided without issue of notice to the respondent.

Pending file.

89. Of the 829 cases remaining at the close of the year, 1,871 had been pending over two, and 13 over four months. The corresponding figures in 1877 were 573, 73, and 8, respectively.

The oldest pending appeal was instituted in the Jullundur District on the 21st June 1878. The Deputy Commissioner does not specially explain the cause of the delay in the disposal of this case.

Next to Peshâwar with 98 cases, Jullundhur (91 cases) is most conspicuous for the number of appeals pending at the close of the year. Peshâwar was at and about that time actually or virtually without a Judicial Assistant, and the Deputy Commissioner was overwhelmed with political duties. The Jullundur balance is explained by reference to the changes of Judicial Assistants, during the year, and the fact that "for 5 months the District was left with but one full-powered officer on the Civil side." It should be noted, in this connection, that institutions in Jullundur increased by 82 cases, and that the disposal of appeals was affected by floods and sickness in the same way as the disposal of original suits.

* Hissar, Simla, Montgomery, Muzaffargarh and Kohát.

At Umballa, Amritsar and Siálkot respectively, 73, 68, and 65 cases were pending at the end of the year, while in the Districts marginally * noted, the files were completely cleared. For the rest the number varied from 56 in Hoshiárpur to 5 in Bannu, and 2 in Dera Ghazi Khan.

Value and cost of appeals.

90. The following comparative table exhibits the value and costs of appeals in District Courts, and renders comment unnecessary :—

Scale of Valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.
		Rs.	Rs.	Rs. A. P.	Rs. A. P.	
Not exceeding ... ... Rs. 5	965	3,655	1,470	3 10 6	1 8 4	40·2
Do. 20	2,939	37,071	6,962	12 9 11	2 5 6	18 8
Do. 100	4,234	2,05,880	23,291	48 10 .	5 8 ..	11·3
Do. 500	1,246	2,27,959	21,527	182 15 2	17 4 5	9 4
Appeals of which the value cannot be fixed...	295	...	3,179	... ...	10 12 5	...
Total .. 1878	9,679	4,74,565	56,429	50 9 2	5 13 3	11·2
Total .. 1877	9,030	3,78,940	44,809	41 15 5	4 15 5	11 8

B.—Appeals to Commissioners.

Detailed statement of the working of Commissioners' Courts.

91. The following table supplies detailed information regarding the appellate business of Divisional Courts, and distinguishes between disposals by Commissioners and Additional Commissioners respectively :—

Division.	Number of Appeals for disposal.	Number disposed of.		Appeals withdrawn, transferred or struck off for default.		Confirmed.		Modified.		Reversed.		Remanded under Sec. 562 Act X of 1877.	
		By Commissioner.	By Additional Commissioner.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi	488	357	...	33	9·2	193	54·1	10	2·8	95	26·6	26	7·3
Hissar	307	265	...	17	6·8	177	66·8	7	2·6	45	16·6	19	7·2
Umballa	728	507	118	25	4·0	415	66·4	20	3·2	140	22·4	25	4 0
Jullundur	894	231	540	50	6 5	532	69·9	21	2·7	152	19·7	16	2·1
Amritsar	816	131	640	35	4·5	501	65·0	29	3·8	150	19·5	56	7·2
Lahore	730	517	157	27	4·1	449	68·7	32	4·9	117	17·9	29	4·4
Rawalpindi	414	391	...	8	2·0	318	81·3	12	3·1	37	9·5	16	4·1
Mooltan	204	166	. .	16	9·6	80	48·2	13	7·8	30	18·1	27	16·3
Derajat	226	218	...	25	11·5	135	61·9	17	7·8	26	11·9	15	6·9
Peshâwar	190	1	184	2	1·1	119	64 3	9	4 9	33	18·9	20	10·8
Total ... 1878	4,997	2,784	1,619	238	5·4	2,919	66·3	170	3·8	827	18·8	249	5·7
Total ... 1877	6,365	3,549	1,598	204	4·0	3,418	66·4	296	5·7	952	18·5	277	5·4

General results.

92. The causes of the decrease of appeals in Commissioners' Courts, having already been fully set forth above (para. 77); it remains to notice that the proportion of disposals to cases for disposal compares favourably with that of 1877. The percentages for the two years are 80·9 for 1877 and 88·1 for 1878.

Additional Commissioners.

93. Of the total number of appeals disposed of, 1,619 or 53·8 per cent. of the total for disposal in those Divisions where there are Additional Commissioners and 36·7 per cent. of the total Divisional Appellate business of the Province, were disposed of by officers of that grade.

The largest aggregate was reached by the Additional Commissioner of the Amritsar and Lahore Divisions (777 cases); the lowest by the Civil and Sessions Judge of Peshâwar (184 cases) who, however, had a heavy Sessions file throughout the year.

Commissioners.

94. The Commissioners of Lahore and Umballa (517 and 507 cases respectively) were most active in the disposal of Civil appellate business. The Commissioner of Peshawâr, who is in ordinary years otherwise occupied, and was almost throughout the year under report especially so, has disposed of only one Civil appeal.

Details of disposal reviewed.

95. The details of disposal in the two years show but slight variations. Cases withdrawn or struck off in default were more numerous by 1·4 per cent. The highest was in Mooltan (9·6); the lowest in Peshawâr (1·1).

Modifications of the original or lower Appellate Courts' orders have decreased from 5·7 per cent. in 1877 to 3 8 per cent. They range from 7·8 per cent. in each of the Divisions of Mooltan and the Derajat, to 2·6 per cent. in that of Hissar Remands were most frequent in the Mooltan Division (16·3 per cent.), and least in the Jullundur Division (2·1 per cent).

The percentage of confirmations was highest in Rawalpindi (81·3), and lowest in Mooltan, (48·2).

The pending file at the end of the year consisted of 594 cases, of which 168 had been pending over two, and 234 over four, months. The corresponding figures in 1877 were 1,218, 411 and 336 respectively.

Pending files.

96. Delhi (131 cases), Jullundur (123) and Umballa (103) had the heaviest closing balances. The reduction of the Amritsar pending file from 237 in 1877 to 45 at the close of 1878 is satisfactory; and the results of 1878 as regards the Delhi, Jullundur and Umballa Divisions, (*vis.* a reduction from those of 1877, amounting to 192, 256 and 297 respectively), also deserve mention.

Average duration.

97. There has, however, been a rise in the average duration of appeals from 72 days in 1877 to 91 days in the year under report. While it is lowest in the Derajat and Rawalpindi Divisions (26 and 27 days respectively), it rises to the highest in the Delhi Division (181 days). With reference to this long duration, the Commissioner explains that it is caused by the pressure of appeals from the Settlement Courts established in each of the three Districts of the Division. This work, which is not shewn in the Chief Court's statements, is often of a difficult nature, and not only occupies much time, but often necessitates the postponement of all other work, as assessments depend upon the decision of these appeals.

The appeal longest pending was in the Court of the Commissioner of Rawalpindi, and dates from the 11th June 1878. The cause of delay in its disposal remains unexplained, but it was disposed of on the 20th January 1879.

Value and cost of appeals.

98. The annexed statement discloses details of the value and cost of appeals, and the percentage of costs to value in Divisional Courts. The totals of 1877 are added for purposes of comparison :—

Scale of Valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.
Not exceeding Rs. 5	257	916	627	3 9 ...	2 7 ...	68·4
" " 20	716	8,800	2,447	12 4 7	3 6 8	27·8
" " 100	1,548	80,150	11,238	50 7 9	7 4 2	14 0
" " 500	1,098	2,57,812	25,926	234 12 9	23 10 1	10 1
" " 1,000	213	1,35,618	12,567	636 11 3	59	9 2
" " 5,000	103	2,00,075	13,298	1,942 7 7	129 1 8	6 6
" " 10,000	11	78,609	4,742	7,146 4 4	431 1 5	6·0
" " 1,00,000	4	64,326	4,262	16,081 8 ...	1,065 8 ..	6 6
Appeals of which the value cannot be fixed	452	...	5,791	... ...	12 13 ..	...
Total (1878)	4,402	8,26,306	80,808	209 3 1	18 6 ...	9·1
Total (1877)	5,143	8,64,320	87,344	168 . 11	16 15 9	10·1

C.—Appeals in Chief Court.

Detailed Statement of Appeals in Chief Court.

99. The following comparative table shows the working of the Chief Court during the years 1877 and 1878 respectively :—

	Year.	Number of appeals instituted	Number of appeals for disposal.	Number disposed of.	Percentage of appeals: Transferred.	Dismissed for default.	Rejected at preliminary hearing.	Confirmed after issue of notice to respondent.	Modified.	Reversed.	Remanded under Sec. 562 Act X of 1877.	Average duration.
Regular appeals	1877	561	745	495	...	3·4	18·4	48·7	3·2	19·0	7·3	109
	1878	427	677	443	·4	1·8	37·7	35·2	5 7	14·2	5·0	162
Special appeals	1877	1,318	1,525	1,224	...	2·4	58·5	21·2	·8	4·4	12·7	58
	1878	1,339	1,640	1,287	1·0	1·2	70 0	14·4	·6	3·9	8·9	55
Total	1877	1,879	2,270	1,719	...	2	46·9	29·2	1 5	8·6	11·1	73
	1878	1,766	2,317	1,730	·9	1·4	(61 7	19·7	1·9	6·5	7·9	83

Institutions have, therefore decreased by 113, and this is entirely owing to a falling off in regular appeals from 561 to 427. There is a slight increase of 21 special appeals.

Details of disposals reviewed.

100. The disposals of 1878, slightly exceed those of the year preceding.

In the details of disposals the increase in the proportion of rejections at preliminary hearing, is the most noteworthy feature. The percentage of such rejections has risen from 39 in 1876, to 46 in 1877, and to 61 in the succeeding year. These results have been arrived at by following throughout 1878 the system introduced in 1877, of sending for and examining the files of the Lower Courts before admitting the appeal to a Bench.

Another noticeable feature is the increase from 76·1 per cent. in 1877 to 81·4 per cent. in 1878 of the aggregate proportion of orders confirmed to orders appealed. The proportion in 1876 was 68 per cent. Modifications and reversals of orders in 1878, together, are about equal to reversals alone in 1877, and are 3 per cent. less than reversals alone in 1876. The necessity for remand has decreased in nearly 4 per cent. of cases.

Pending file.

101. The pending file in the Chief Court at the close of the year amounted to 587 cases. The proportion of disposals to cases for disposal was 74·6 per cent. It was 75·7 in the last year reported on.

The mean average duration of appeals was 83 days. Regular appeals lasted on the average 162 days, and special appeals 55 days.

The case longest pending at the close of 1878 (disposed of during the current year) dated from the 31st January 1878. It was a case involving the proprietary right to land.

Value and cost of appeals.

102. The value, cost, and percentage of cost to value, of appeals to the Chief Court will be seen from the following statement, the totals of 1877 being inserted for purposes of comparison.

Valuation of suits.		Appeals in suits other than for land.								Appeals in land suits.							
		Number of appeals	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.				
					Rs. a. p.	Rs. a. p.					Rs. a. p.	Rs. a. p.					
Not exceeding Rs.	5	41	118	192	2 13 4	4 10 11	162·7	63	158	294	2 8 1	4 10 8	186·1				
„ „ „	20	154	2,029	806	13 2 9	5 3 9	39·7	119	1,589	672	13 5 7	5 10 4	42·3				
„ „ „	100	291	16,375	2,722	56 4 4	9 5 8	16·6	263	13,779	2,711	52 6 3	10 4 11	19·7				
„ „ „	500	178	40,616	4,690	228 2 10	26 5 6	11·5	90	17,432	2,164	196 11 0	24 7 0	12·4				
„ „ „	1,000	37	27,790	2,767	751 1 3	74 12 7	9·9	8	4,883	496	610 6 0	62 0 0	10·1				
„ „ „	5,000	24	48,010	3,876	2,000 6 8	161 8 0	8·1	3	6,726	543	2,242 0 0	181 0 0	8·1				
„ „ „	10,000	2	13,286	2,636	6,643 0 0	1,318 0 0	19·9	...	...	...	...	...	...				
„ „ „	1,00,000	1	15,100	982	13,100 0 0	982 0 0	7·5	...	...	...	...	...	...				
Exceeding	„ 1,00,000	...	...	...	...	...	...	1	1,96,500	4,276	0 0	4,276 0 0	2·2				
Appeals of which no value can be fixed.		* 345	...	2,660	...	7 6 9	...	* 110	...	120	...	1 1 5	...				
Total ...	1878	1,073	1,51,324	21,231	221 9 7	19 12 7	11·6	657	2,41,067	11,276	440 11 4	17 2 7	4·6				
	1877	1,025	2,33,054	22,027	217 5 11	21 7 10	9·4	694	3,56,526	15,781	513 11 7	22 14 2	4·4				

*Applications for occupancy rights 110
„ declaratory decree 104
„ custody of wives 53
„ execution of decree &c. 93
455

Proportion of appeals in land suits to other appeals.

103. The proportion of appeals in land suits to the entire number of appeals was 38 per cent. in 1878, as compared with 40 per cent, in the preceding year.

Their value and cost.

104. In appeals in land suits, there is a decrease more or less marked in every respect except the percentage of costs to value, and this has varied by only ·2 per cent. The aggregate value of land suits in appeal fell from Rs. 513 in 1877 to Rs. 440 in 1878. This average, which exceeds 5 times the average of 1876, was increased by the disposal of one case involving nearly 2 lakhs of rupees.

Other appeals; their value and cost.

105. In appeals in suits other than for land, the figures for 1878 are throughout less than those for 1877, except that the average value of such appeals has risen by about Rs. 4, and the proportion of cost to value by about 2 per cent.

Miscellaneous cases.

106. The miscellaneous Civil business of the Chief Court during the year is shown in the following statement:—

Cases under Section 622 Act X of 1877; applications for review, petitions to appeal *in formâ pauperis*, and petitions for removal and transfer of suits and appeals	639
Cases under Section 617, Act X of 1877	18
Total ...	657

PART IV.—PROCEDURE.

Pleaders and Mukhtars.

107. The Chief Court in its administrative capacity has, during the past year, issued rules framed under Acts XX of 1865 and XVII of 1877 regulating the qualification, admission and enrolment of persons to appear, plead and act in the Courts of the Punjab.

Circulars.

108. The operation of Book Circular II. of 1878 has already been noticed (Part I., G. Execution of Decrees).

Among the Circulars issued during the year, reference may be made to No. XV., on the subject of delivery of possession of immovable property in execution of decree. Also to No. XVII, which deals with the distribution of civil business by District Officers.

Supervision.

109. The working of the Civil Courts is under constant supervision, and the results of their inspections of Subordinate Courts are periodically reported to the Chief Court by Divisional and District Officers.

Inspection reports of peculiar fulness and value were received from the Officers marginally noted,* and the special acknowledgments of the Judges were separately communicated to them. For the reasons stated in the Criminal Report (para. 129) the Judges regret that they were unable to make any personal inspection of Subordinate Courts during the past year.

* Mr. T. W. Smyth, when Deputy Commr. of Delhi.
Mr. Roberts.
Mr. Wakefield.
Major Beadon.
Mr. Fryer.
Major Macaulay.

Conclusion.

110. In conclusion I am to apologise for the delay in the submission of this Report. The accident which has been chiefly contributory thereto is known to the Government.

I have the honor to be,
Sir,
Your most obedient Servant,

T. O WILKINSON,
Offg. Registrar Chief Court, Punjab.

IMPERIAL RETURNS.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF PUNJAB DURING

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	MONEY DUE.									SUITS FOR DAMAGES.						
CLASS OF COURT.	*On written promise for sum certain.*															
	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land.	Recovery of personal property or value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in the above.	Suits to compel specific performance of contracts.	Suits to set aside contracts and obligations on account of fraud, mistake or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Cantonment Small Cause Courts ...	159	1,403	2,235	2,890	124	214	210	324	1,017	...	6	...	..	...	...	...
District Small Cause Courts	146	5,129	2,261	1,640	205	2,988	984	565	301	...	38	...	21	...	...	...
Honorary Courts ...	463	3,820	2,359	2,607	41	190	25	54	752	3	52	48	66	7	1	..
Munsiffs' Courts ...	3,944	50,721	28,918	28,631	474	1,304	564	906	8,287	14	430	208	122	165	19	7
Tahsildárs and Naib-Tahsildárs' Courts ...	912	7,576	6,824	6,682	83	189	100	448	2,595	17	305	72	135	50	29	9
Asst. and Extra Assistant Commissioners' Courts...	2,011	8,994	4,462	6,056	149	406	247	396	1,792	36	191	141	180	82	53	56
Judicial Assistants' Courts	360	875	282	579	18	65	27	22	148	2	6	22	12	9	5	5
Depy. Commrs.' Courts ...	19	13	18	28	...	3	5	...	6	...	1	1	1	...	...	...
Chief Court ...	...	...	...	...	3	...	...	...	...	...	...	..	...	...	...	...
TOTAL ...	8,014	78,531	47,359	49,113	1,097	5,359	2,162	2,500	14,898	72	1,029	492	537	313	107	77

No.

CLASS OF COURT.	38	39	40	41	42	43	44	45	46	47	48
	CLAIMS TO RIGHT OF PRE-EMPTION.			SUITS FOR PARTITION OF IMMOVABLE PROPERTY.				RENT SUITS, NOT BEING PUNJAB TENANCY			
	Land only.	Other property.	Suits regarding the relative rights of superior and inferior holders of land (other than rents).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to real property, not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against agents &c.
Cantonment Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...
District Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...
Honorary Courts ...	16	20	8	30	10	13	334	72	33	1	1
Munsiffs' Courts ...	88	72	139	38	84	20	1,037	604	274	7	...
Tahsildárs and Naib-Tahsildárs' Courts ...	300	66	409	108	70	79	1,741	2,265	860	10	3
Asst. and Extra Assistant Commissioners' Courts ...	380	162	67	232	194	14	1,418	544	274	30	15
Judicial Assistants' Courts	87	58	11	11	28	2	355	36	1	1	...
Depy. Commrs.' Courts ...	6	1	2	2	2	...	17	...	...	...	...
Chief Court ...	...	...	...	...	...	...	...	...	...	...	...
TOTAL ...	877	379	636	418	388	128	4,902	3,521	1,442	49	19

6.

ORIGINAL CIVIL SUITS DISPOSED OF IN THE DISTRICTS OF THE THE YEAR 1878.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Suits of settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	SUITS RELATING TO MARRIAGE, DOWER AND DIVORCE.			Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.	CLAIM TO INHERITANCE.						Suits to establish or contest the acts of Hindu widows.	Suits relating to the revenue.	SUITS RELATING TO MORTGAGE OF IMMOVABLE PROPERTY.	
			Suits connected with betrothals.	Suits for custody of wives.	Other suits.					*Under Muhammadan Law.*		*Under Hindu Law.*		*Under any other Law.*					
										Land only.	Other property.	Land only.	Other property.	Land only.	Other property.			Land only.	Other property.
...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9	...	3	115	24	27	1	...	7	...	...	5	23	12	29	4	3	324	100	38
63	2	6	325	12	107	1	...	21	1	105	106	28	10	135	229	2	2,104	1,020	398
32	...	6	113	15	41	3	2	56	1	217	58	78	11	345	153	6	3,031	498	219
146	2	19	373	1,214	146	66	19	150	4	147	72	103	53	416	176	3	1,331	732	346
32	1	2	45	359	23	8	1	14	1	13	18	5	20	17	5	1	61	112	83
2	...	...	...	20	8	...	9	2	...	...	...	...	...	...	1	...	2	3	...
...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...
284	5	36	971	1,644	354	79	31	250	7	482	259	237	106	942	568	15	6,853	2,465	1,081

6—*concluded.*

49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
SUITS UNDER THE ACT.		SUITS UNDER THE PUNJAB TENANCY ACT.												
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Punjab Tenancy Act.	Suits under Sec. 5, by tenants for right of occupancy.	Suits to establish right of occupancy under Sec. 8 on other grounds than those mentioned in the previous Secs. of the Act.	Suits under Sec. 6, by landlords for rebuttal of presumptive right of occupancy.	Suits under Secs. 10 and 11 for enhancement of rent.	Suits under Sec. 14, for abatement.	Suits for arrears of rent where remission is allowed under Sec. 15.	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19, by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 1).	Suits under Sec. 19, by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 2.)	Suits under Sec. 20 by landlords for ejectment of tenant without right of occupancy.	Suits under Section 25, by tenants to contest notice of ejectment.	Suits under Section 26, by tenants on account of illegal ejectment.	TOTAL.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	8,582
...	...	...	...	...	...	...	...	...	...	...	...	...	...	14,278
1	12	9	1	...	16	...	...	...	...	29	6	...	9	11,830
...	106	46	2	10	164	...	...	...	20	16	32	28	39	1,32,303
17	53	118	12	10	76	...	...	106	10	2	78	142	56	37,494
21	21	170	19	37	131	15	...	21	53	3	18	93	26	34,728
...	...	17	5	...	2	...	...	...	...	...	...	...	...	3,872
...	1	...	...	...	...	...	...	...	...	...	...	...	...	173
...	...	...	...	...	...	...	...	...	...	...	...	...	...	5
39	193	360	39	57	389	15	...	127	83	50	134	261	130	2,43,265

IMPERIAL RETURN.

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.																	Total value of suits.	
	District Small Cause Courts.		Cantonment Small Cause Courts.		Unpaid Local Tribunals (*Honorary Civil Judges*).		Paid Sub-Divisional Tribunals (*Munsiffs*).		Paid Sub-Divisional Tribunals (*Tahsildars and Naib Tahsildars*).		District Courts (other than Chief Courts of Districts). (*Assistant and Extra Assistant Commissioners*).		Chief Courts of Districts (*Judicial Assistants*).		Chief Courts of Districts (*Deputy Commissioners*).		Chief Court of Province.		
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Other.	Land.	Other.
Not exceeding Rs. ... 5	...	2,018	...	2,356	150	1,507	861	15,055	1,894	5,184	858	2,202	53	69	...	5	...	12,108	1,02,778
Do. ... 20	...	5,893	...	3,572	214	4,032	1,477	49,240	2,986	12,018	1,626	7,331	93	339	...	10	...	79,104	10,48,000
Do. ... 100	...	5,134	...	2,175	302	4,853	1,415	52,539	2,192	10,051	2,188	10,305	193	913	8	16	...	2,88,898	36,82,897
Do. ... 500	...	1,233	...	479	44	688	708	10,885	375	2,608	1,115	5,734	144	630	4	26	..	4,45,334	38,11,836
Do. ... 1,000	...	...	...	...	...	8	...	..	...	...	125	634	54	552	5	31	1	1,25,277	9,44,701
Do. ... 5,000	...	...	..	...	...	...	...	...	...	...	64	301	18	247	1	16	2	1,50,519	10,54,871
Do. ... 1,00,000	...	...	...	...	...	...		...	...	...	1	17	.	34	1	6	...	16,395	3,83,596
Do. ... 1,00,000	...	...	...	...	...	...	...	...	..	...	.	1	...	17		5	...	...	5,35,037
Exceeding Rs. .. 1,00.000	...	..	...	...	...	...	...	...	...	..	..	.	..	...			...	...	...
Suits of which the value cannot be fixed.	...	...	...	...	3	29	52	71	115	71	372	1,654	62	454	4	35	2	...	...
TOTAL ...	...	14,278	...	8,582	713	11,117	4,513	127,790	7,562	29,932	6,349	28,379	617	3,255	23	150	5	11,17,635	1,15,63,716

IMPERIAL RETURN.

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB, DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of cases on the File.				Disposed of without Decree.				Decree passed.												Average duration of suits.	
									Without contest.				*With contest.*									
Class of Courts.	Suits remaining from last year.	Filed in 1878.	Re-admitted and received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed *exparte*.	Dismissed *exparte*.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	409	23,168	266	23,843	...	2,593	150	2,469	2,979	4,344	3,756	44	5,343	1,448	270	23,126	717	14	...	136	17	12
Honorary Courts ...	567	11,934	445	12,946	1	2,168	130	1,335	911	3,228	956	48	2,744	746	294	12,267	679	49	...	42	26	19
Munsiffs' Courts ...	5,525	1,34,623	3,844	143,992	5	22,692	1,032	16,889	16,015	27,718	11,205	798	30,076	9,689	1,590	136,119	7,873	104	14	2,006	24	16
Tahsíldárs and Naib-Tahsíldárs' Courts ...	1,706	37,288	1,660	40,654	3	6,592	545	4,717	3,098	7,479	2,918	193	9,659	3,878	803	39,082	1,572	58	13	764	25	17
Asst. and Extra Asst. Commissioners' Courts ...	3,140	34,980	1,354	39,474	19	6,357	605	3,072	2,517	5,187	2,832	157	10,448	4,856	852	36,050	3,424	299	98	1,751	26	23
Judicial Assistants' Courts	246	4,069	162	4,477	5	506	79	284	166	626	274	13	1,397	681	127	4,031	446	69	77	187	49	33
Deputy Commissioners' Courts ...	10	181	9	200	...	31	4	17	7	15	14	4	53	36	5	181	19	2	2	23	78	107
Chief Court ...	3	2	...	5	...	...	3	1	...	...	...	...	1	...	...	5	...	...	...	...	9	63
Total ...	11,606	246,245	7,740	265,591	33	40,939	2,548	28,784	25,693	48,597	21,955	1,257	59,721	21,334	3,941	250,861	14,730	595	204	4,909	27	18

IMPERIAL RETURN.

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.				Disposed of.															
							Heard exparte.					Contested.								
							Confirmed													
Class of Courts.	Remaining from last year.	Instituted in 1878.	Re-admitted and received by transfer.	Total.	Transferred to other districts.	Dismissed for default, or under Section 567 Act X of 1877.	Under Sec. 551 of Act X of 1877.	In absence of Respondent.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total.	Pending at end of year.	Over two months.	Over four months.	Average duration.	Objections under Section 561, Act X of 1877.	Objections allowed.
Assistant Commissioners' Courts ...	5	124	...	129	...	7	1	29	...	...	52	6	12	5	112	17	...	..	24	...	...
Judicial Assistants' Courts ...	495	7,883	110	8,488	...	479	1,244	745	21	46	2,667	578	1,169	840	7,789	699	162	5	27	6	5
Deputy Commissioners' Courts ...	73	1,876	31	1,980	...	108	262	210	11	19	646	145	301	165	1,867	113	9	8	25	...	...
Total ...	573	9,883	141	10,597	...	594	1,507	984	32	65	3,365	729	1,482	1,010	9,768	829	171	13	27	6	5
Commissioners' Courts ...	1,217	3,734	46	4,997	...	238	369	182	9	14	2,368	161	813	249	4,403	594	168	234	91	2	...
Chief Court — Regular ...	250	427	...	677	2	8	...	167	...	...	156	25	63	22	443	234	46	149	162	...	...
Chief Court — Special ...	301	1,339	...	1,640	13	16	...	901	...	...	185	7	50	115	1,287	353	92	202	55	...	...
Total ...	1,768	5,500	46	7,314	15	262	369	1,250	9	14	2,709	193	926	386	6,133	1,181	306	585	102	2	...
Grand Total ...	2,341	15,383	187	17,911	15	856	1,876	2,234	41	79	6,074	922	2,408	1,396	15,901	2,010	477	598	64	8	5

IMPERIAL RETURN.

No. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Applications to execute Decrees.										Nature and number of coercive processes issued.					
												Movable property.		*Immovable property.*		
Class of Courts.	Pending.	Filed in 1878.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	Arrest of person.	Attached.	Sold.	Attached.	Sold.	Orders under Sections 305, 503 of Act X of 1877.
Small Cause Courts	450	14,636	38	15,324	3 398	7,022	3,855	586	14,861	463	2,644	6,643	687	...	..	...
Honorary Courts	581	4,688	9	5.278	2,463	1,348	879	16	4,706	572	82	3,130	606	451	167	...
Munsiffs' Courts	6,656	65,197	133	71,986	24,506	19,008	17,838	106	61,458	10,528	2,339	41,697	11,678	3,843	1,085	166
Tahsíldárs and Naib Tahsíldárs' Courts	2,674	23,468	131	26,273	10,340	6,934	6,526	80	23,880	2,393	1,274	13,630	3,227	1,456	340	77
Assistant and Extra Assistant Commissioners' Courts	4,231	30,167	702	35,100	9,618	7,443	10,977	300	28,338	6,762	1,611	14,090	4,227	2,755	833	159
Judicial Assistants' Courts	482	2,334	42	2,858	863	682	904	20	2,469	389	175	1,047	245	244	82	4
Deputy Commissioners' Courts ...	16	136	2	154	49	28	56	..	133	21	6	53	7	12	3	...
Total ...	15,090	140,826	1,057	156,976	51,237	42,465	41,035	1,108	135,845	21,128	8,131	80,290	20,677	8,761	2,510	406

Statement showing the working of the Indian High Courts as compared with that of the Chief Court of the Punjab, according to latest statistics available in the Chief Court Office.

Court.	Number of Judges.	Year.	Criminal Original Cases.			Criminal Appeals.			References for confirmation of Sentences of Death.			Civil Original Cases.			Civil Appeals.			Remarks.
			For disposal.	Disposed of.	Reference.	For disposal.	Disposed of.	Reference.	For disposal.	Disposed of.	Reference.	For disposal.	Disposed of.	Reference.	For disposal.	Disposed of.	Reference.	
Bengal ...	12	77.	95	93	Page 2 of Civil Report for 1877.	682	642 (335 cases were also disposed of by the Court as a Court of Revision.)	Pages 11 and 12 of Criminal Report for 1877.	66	63 (22 references under Section 263, Criminal Procedure Code, were also disposed of.)	Page 12 of Criminal Report for 1877.	1,412 (Also 260 insolvent cases.)	601 (Also 61 insolvent cases.)	Pages 1 and 3 of Civil Report for 1877.	7,676 (Including miscellaneous, regular and special appeals.)	4,567	Page 77 of Civil Report for 1877.	
Bombay ...	8	...	No Statistics.	64	Page XLI of Administration Report for 1877.	No Statistics. * The cases of came before the ct Revision. It many of these posed of during	409 (370 persons also Court as a Court is not clear how cases were dis the year).	Page XLI of Administration Report for 1877. * Page LIV of Administration Report for 1877.	No Statistics.	57	Page XLI of Administration Report for 1877.	1,595 (Also 1,576, insolvent cases.)	777 (Also 434 insolvent cases.)	Pages LXXVIII and LXXIX of Administration Report for 1877.	898 (It is not clear whether these figures include miscellaneous, regular and special appeals.)	590	Page LXXX of Administration Report for 1877.	
Madras ...	5	...	No Statistics.	71	Page LIII of Administration Report for 1877.	No Statistics.	826 * The cases of 296 persons were also disposed of by the Court as a Court of Revision.	Page LIII of Administration Report for 1877. * Page 82 of Administration Report for 1877.	No Statistics.	115 (Two references under Section 263, Criminal Procedure Code, were also disposed of.)	Page 82, of Administration Report for 1877.	1,329	681 (Also 144 insolvent petitions.)	Pages LXVI and LIII of Administration Report for 1877.	1,244 (Including miscellaneous, regular and special appeals.	987	Page LXVII of Administration Report for 1877,	
North-Western Provinces.	5	...	7	7	Page 24 of Criminal Report for 1877.	325	311 (250 cases were also disposed of by the Court as a Court of Revision).	Statistics furnished demi-officially by the Registrar.	No Statistics.	123	Paragraph 37 of Criminal Report for 1877.	4	2	Page 18 of Appendix to Civil Report for 1877.	2,568 (Including miscellaneous, regular and special appeals.)	1,876	Pages 8 & 9 of Civil Report for 1877.	
Punjab Chief Court.	3	1878	1	1	Paragraph 123 of Criminal Report for 1878.	737	682 (240 cases were also disposed of by the Court as a Court of Revision).	Paragraph 120 of Criminal Report for 1878.	129.	120	Paragraph 119 of Criminal Report for 1878.	3	3		2,317. (Including miscellaneous, regular and special appeals).	1,730.	Paragraph 99 of Civil Report for 1878.	

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home Department,—
No. 3815, dated 22nd October 1879.

READ—

The Annual Report on the Administration of Civil Justice for the year 1878, furnished by the Chief Court, dated 17th June.

REMARKS.—The gradual growth of litigation during the past eight years is again apparent in 1878. The institution of 246,245 original suits shows an increase of 10,909, or 4·6 per cent., over the numbers of the previous year. The average number of the last four years, however, including that under review, shows an increase of 6 per cent. as compared with the years from 1871-74, so that the difference shown this year is somewhat less than that of the average of the last four years. It was to be expected that no great increase would be found in those districts which showed the greatest advance last year; while in the cases of Rohtak, Kohat and Karnal the larger number of institutions in 1878 may be set off against the small number in 1877. A considerable decrease is again noticeable in Peshawar and Montgomery. In the former district the disturbing influences of the late campaign may have had some connection with the falling off, and the employment of camel-men from Montgomery and Shahpur (which shows the largest reduction of all) for transport has possibly affected the returns of those districts, by withdrawing for a time a considerable source of wealth to people of those parts. In many cases it is perhaps useless to seek for specific reasons to account for the results of a multitude of minor causes which are often mere accidents; but the decrease in Montgomery, amounting to more than 30 per cent. in 2 years, calls for further inquiry, which His Honor desires may be made.

2 Of the total number of cases for disposal, *viz.* 265,591, 94·5 per cent. were decided during the year. The increase of 3·8 per cent. of work thrown on the Courts explains satisfactorily the slight decrease of 1 per cent. as compared with the disposals of 1877, and the increase of one day's duration in the hearing of each contested and uncontested case. The contested cases amounted to about one-third of the total number of suits; during the past four years the ratio of defended suits has steadily decreased by 1 per cent. The proportion of cases dismissed by default has fallen from 17 to 16 per cent., but the proportions in Gujrat, Shahpur and Sialkot, amounting to 22, 23 and 24 per cent. respectively, are unduly high, as they were also last year. Moreover, in Shahpur the number of applications for restoration to the file was unusually large, while the average duration of contested cases was as high as 48 days, the provincial average being only 27 days. These results appear extremely unsatisfactory, although in judging of them it must be recollected that in districts with large areas and scattered villages it is impossible that the return of processes should be so speedy or the dates fixed for attendance allow of such short terms as in smaller and thickly populated tracts. But to the latter class belong Gujrat and Amritsar, and the delays in disposal of cases in these districts cannot be viewed with satisfaction. It is possible that the large number of suits instituted by traders against agriculturists may account in some degree for the dismissals by default in Shahpur and Sialkot: suits of this class are often filed to force the creditor to acknowledge his debt in some other form, and are allowed to drop when this result has been attained.

3. Suits based on registered deeds have fallen by 6·4 per cent. to 8,014, while claims on unregistered deeds have risen by 6·9 per cent. to 78,531. A theory was advanced last year, and is said to be again supported by the balance of opinion, that unregistered deeds were being abandoned as a ground of action in favor of mere statements of account. But inasmuch as the suits for money due otherwise than on bonds have not increased in nearly the same ratio as those based on unregistered bonds, it cannot be said that this theory has received any decisive confirmation of fact as yet. The point is one which deserves notice hereafter.

4. The steady increase of suits against agriculturists during the last four years has already excited unfavorable notice. In the present year these amount to 48 per cent. of the whole number. It is more satisfactory to be able to note that the increase in the present year is less than 1 per cent., although this class of suits is now larger by 28 per cent. than it was in 1875. This is the more so the case because the past year has not been one of great agricultural prosperity, and a larger increase under this head was to be feared.

5. The execution of decrees has on several occasions formed the subject for special remarks, and it is clear that this portion of judicial work still requires careful supervision, although the proportion of decrees completely executed has risen as compared with the whole number disposed of, as well as the percentage realised of the value of the decrees executed; still this amount is only 34 per cent. Curiously enough, it would appear from the report of this year and 1877 that the ultimate efficiency of Courts as shown in the execution of decrees is highest in less advanced districts, such as Muzaffargarh, Dera Ghazi Khan, Bannu and Kohat; while in Delhi and Lahore it is very low. It is not certain however, whether this may not be due in some degree to the failure to carry out fully as yet the instructions issued last year for the record of these statistics).

6. The disposal of work by the various classes of Courts calls for little notice. A falling-off in some Courts has resulted in an increase of 6 per cent. in cases tried by Munsiffs. The average number of cases tried by Tahsildars is 276, showing a falling-off of 2 per cent. from last year. It is not desirable that the judicial work of these officers should be reduced to a lower limit than it now stands at.

7. The most remarkable point in the returns of the past year is the extraordinary increase of work which has taken place in the Courts of Small Causes. The number of suits instituted in the four remaining Courts rose by 42·5 per cent. from 10,185 to 14,515, showing an increase of 2,037 cases above the institutions in eight Courts of this grade last year. This advance is nine times as great as that of the general litigation of the Province; and the natural result has been that the average duration of these cases has risen from 11·5 to 17·5 days. This result is no doubt due to the change introduced by the new Civil Procedure Code, in which it is provided that a suit may now lie to the Small Cause Court without reference to the place of residence of the defendant if the cause of action arose within the limits of the jurisdiction of the Court. The effect of this provision is not desirable, inasmuch as it brings agriculturists into the jurisdiction of the Small Cause Courts, which is far from what is wished for. It is a matter for consideration, therefore, if the change made is an advantage; but the working of these Courts for another year under the new law will throw further light on the subject.

8. In para. 5 of the Remarks on the last year's Report reference was made to the steps taken to direct the stream of appeals. The effect of the withdrawal of full civil powers from a number of Courts in order to divert appeals in cases of less value than Rs. 500 from the Courts of Commissioners to those of the District is clearly seen in the reduction of the number of institutions in the former Courts from 5,308 to 3,374. This result is exceedingly satisfactory, and it has been attained without adding to the burden of the Courts of Deputy Commissioners, the increase of 12·6 per cent. in the district appellate work having been disposed of by the Judicial Assistants. As a minor result of the relief thus afforded to Divisional Courts, it may be noticed that the proportion of disposals of appeals filed has risen from 80·9 per cent. to 88·1. The average duration of appeals, however, does not show an equally satisfactory result, the period having risen from 72 to 91 days. In Delhi it reached the exceptional figure of 181 days, which is not completely and satisfactorily explained by the reference to settlement work. On the other hand, the period of duration of appeals in the District Courts has fallen by 4 days to 27. The number of cases remanded for further inquiry varies in the most astonishing way; but it is true no doubt that the personal factor enters less into original than appellate work.

9. In addressing the Government of India in April last on the arrears of work in the office of the Financial Commissioner of the Punjab, and making proposals

for temporarily assisting that officer by the appointment of an additiona Financial Commissioner, it was observed that it would be inconvenient to transfer to the Chief Court all appeals pending before the Financial Commissioner, for the reason that the Chief Court was itself understood to be in arrears, and would naturally object to any considerable increase of its work, the more so if this were of a permanent nature, by the absolute withdrawal of special settlement jurisdiction, and might require the services of an additional Judge to dispose of the work. The Imperial Government, sanctioning the proposals of the Lieutenant-Governor for the appointment of an additional Financial Commissioner, observed that the subject of the arrears of the Chief Court of the Punjab should be noticed in the forthcoming Government Review on the Civil Justice Report of the Punjab for 1878. In accordance with these orders, full inquiries have been made into the amount and nature of the arrears of the Chief Court, and the results are most conveniently summarized as follows in the accompanying statement :—

Class of Work	Number of cases disposed of during				Pending balance at close of			
	1876.	1877.	1878.	Half of 1879.	1876	1877.	1878.	Half of 1879.
Civil Appeals ...	1,959	1,719	1,730	885	389	551	587	605
Criminal Appeals ...	568	518	682	309	43	57	55	58
Criminal Revision ...	743	832	862	370	39	42	64	42
Murder References ...	72	69	92	43	5	6	8	6
Miscellaneous, Civil and Criminal ..	886	741	685	315	not given			[31]
Total ..	4,228	3,879	4,051	1,922	476	656	714	Excluding "Miscellaneous" 711

10. This statement shows the number of cases disposed of during the years 1876, 1877, 1878, and the first half of 1879, together with the pending balance at the close of each of those periods. It will thus be seen that the Chief Court is some months in arrears ; but the Lieutenant-Governor is disposed to agree with the learned Judges that the disposal of business by the Court, consisting of only three Judges, is as rapid as is consistent with the proper consideration of cases often intricate and involving important issues and principles. The Chief Court of the Punjab has moreover, under the Punjab Courts Act, been invested with large administrative control and supervision over subordinate Courts, and is expected by the Government to regulate and supervise the work of such, the appointment and transfer of Munsiffs, and to assist Government in other matters connected with the judicial administration of the Province. In this expectation the Lieutenant-Governor is in no way disappointed ; and in justice to the Chief Court, His Honor would point out that the work performed by the Punjab Judges compares very favorably with that of the neighbouring Provinces.

11. The following statement* shows the working of the High Court of the North-Western Provinces, as compared with that of the Chief Court of the Punjab, according to the latest statistics available.

* For statement *vide* ~~letter attached, No. 1C~~ page 3

12. From this it would appear that three Judges in the Punjab perform as much judicial work (original and appellate) as five Judges in the North-Western Provinces, being 3,363 to 3,261. Such being the state of the case, the Lieutenant-Governor does not anticipate that the Government of India will complain of the amount of work performed by the Judges of the Chief Court, while His Honor has every reason to be satisfied with its quality.

13. In conclusion, the Lieutenant-Governor desires to thank the Judges of the Chief Court for the able way in which they have presided over the administration of Civil Justice during the past year.

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